DOCUMENT RESUME

ED 385 993 EC 304 195

TITLE	Individualized Education Program Resource Guide.
INSTITUTION	Georgia State Dept. of Education, Atlanta. Exceptional Students Div.
PUB DATE	95
NOTE	172p.; Printed on colored paper.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC07 Plus Postage.
DESCRIPTORS	*Disabilities; *Disability Identification; Due Process; Elementary Secondary Education; Eligibility; Guidelines; *Individualized Education Programs; Intervention; *Prereferral Intervention; Referral; Special Education; *State Standards; Student Educational Objectives; *Student Evaluation; Student Placement
IDENTIFIERS	*Georgia

ABSTRACT

This guide was designed to serve as a reference document for developers of individualized education programs (IEPs) for students with disabilities in Georgia. Specific procedures and responsibilities of the student support team during the processes of identification, intervention, and evaluation are outlined. The first section covers the student support team (SST) process. This section discusses planning of alternative instructional strategies for students experiencing academic and/or behavioral difficulties, prior to or in lieu of referral to special education. The section on identification provides information on parent notification, screening, individual or group assessment, observation, and eligibility determination. The section on intervention covers the development of IEPs, placement in the special education program, and implementation of the IEP. The final section is on evaluation and discusses development of criteria for mastery of each IEP objective, evaluation measures, periodic review, comprehensive reevaluation, and exit criteria. Extensive attachments provide additional detail on parental rights, the IEP program self-study, and transition services as well as a glossary, sample forms, a policy paper, checklists, and eligibility reports. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 385 993

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Individualized Education Program

RESOURCE GUIDE

DIVISION FOR EXCEPTIONAL STUDENTS
GEORGIA DEPARTMENT OF EDUCATION
ATLANTA, GEORGIA 30334-5060

LINDA C. SCHRENKO
STATE SUPERINTENDENT OF SCHOOLS

1995

EC 304195

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
A. Meughan
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Individualized Education Program

RESOURCE GUIDE

DIVISION FOR EXCEPTIONAL STUDENTS
GEORGIA DEPARTMENT OF EDUCATION
ATLANTA, GEORGIA 30334-5060

LINDA C. SCHRENKO
STATE SUPERINTENDENT OF SCHOOLS
1995

TABLE OF CONTENTS

Page

To Users of this Guide iii

Authority Bases for Individualized Education Programs (IEPs) 1

Organization of the Guide 2

Student Support Team (SST) Process 3

Phases in the IEP Process:

— Phase I : Identification 11

— Phase II : Intervention 23

— Phase III: Evaluation 29

Delivery Models for IEP:

— Least Restrictive Environment 34

— Related Services 36

Interagency Coordination of IEPs 37

Attachments:

I. Parental Rights in Special Education 39

II. Individualized Education Program Self Study 45

III. Glossary 49

IV. OSE Policy Paper 61

V. Sample Forms 83

VI. Parent's Checklist 99

VII. GLRS Directory 103

VIII. IEP/Total Service Plan Checklist 107

IX. Due Process Checklist 111

X. Eligibility Reports 129

XI. Transition Services 165

TO USERS OF THIS GUIDE

Dear IEP Participant:

The role you have been given as individualized education program (IEP) developer and implementer is an important one. Whether you are a teacher, parent, administrator, related services staff person or other IEP team participant, your direct involvement in the development, writing and management of the plan is crucial to the student's success in the special education program.

This guide was developed by a group of Georgians who, like you, are involved in the IEP process for students. The primary purpose of this guide is to assist you in designing programs to fit individual needs of students with disabilities. It also suggests ways to meet IEP legal requirements with a minimum amount of paperwork, confusion, pain and despair.

Even though the development of the IEP is treated in some detail, the major focus of this guide is management of the IEP. To assist you in understanding your role at each stage of the procedure, tasks are detailed and suggestions given for accomplishing these tasks at each planning level.

The task forces of Georgians who developed and revised this guide hope that you will find the suggestions useful in strengthening and reinforcing the many good things you are already doing for our state's students with disabilities.

INTRODUCTION

AUTHORITY BASES FOR IEP

The individualized education program (IEP) is the core of special education and related services for students with disabilities. It is a written statement developed by school administrators, teachers, parents, and sometimes the student, which must include the following elements.

1. A statement of present levels of educational performance of the student
2. A statement of annual goals, including short-term instructional objectives
3. A statement of specific special education and related services to be provided and the extent to which the student will be able to participate in regular education programs
4. The projected dates for initiation and anticipated duration of the services
5. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved (P. L. 101-476, IDEA (formerly EHA), 34 CFR 300.346; **Rules of the Georgia Board of Education, Division for Exceptional Students (160-4-7), 1994,** page .07-5).

The IEP is not only a content plan, but also a management tool. When properly developed and implemented, the IEP can serve as a planning guide and coordination device for all service providers. The IEP is not a binding contract.

Federal regulations and state rules require that an IEP be in effect for all students with disabilities receiving, or eligible to receive, special education and related services.

Laws and regulations further provide that students with disabilities who are to receive special education and related services must first receive a comprehensive evaluation to determine program eligibility and need for special services. Once assessment is completed, the IEP must be developed within 30 days of determination of need for special education and related services and prior to special education placement. Parents and students are afforded certain due process rights at each level of the IEP and placement process (P. L. 101-476, IDEA (formerly EHA), 34 CFR, 300.500-300.514).

The ultimate goal of laws and regulations governing IEP and other special requirements is to assure that each student with a disability has access to a free, appropriate public education in the least restrictive environment and that certain procedural safeguards are observed at each step of planning and provision of specially designed instruction and related services.

ORGANIZATION OF THE GUIDE

This guide was designed to serve as a reference document for IEP developers. Its aim is to improve the quality of IEP content and management of the team process. Specific procedures and team responsibilities are outlined at each of the stages of the student support team identification, intervention and evaluation processes.

1. **Student Support Team (SST) Process** — Includes planning of alternative instructional strategies for students experiencing academic and/or behavioral difficulties prior to or in lieu of referral to special education. Any students identified as having learning or behavioral problems after September 30, 1984 must go through the Student Support Team process. A referral to the SST prior to a referral to special education may not be necessary for all students; i.e., preschool students and students with severe or profound intellectual disabilities. If the SST is bypassed, documentation must support this action. For more information, you may contact the Director, Student Services Unit, 1870 Twin Towers East, Atlanta, Georgia 30334-5060, telephone (404) 656-2600.
2. **Identification** — Includes parent notification, screening, individual or group assessment, observation and eligibility determination.
3. **Intervention** — Includes IEP development, placement in the Special Education Program and implementation of the IEP.
4. **Evaluation** — Includes development of criteria for mastery of each IEP objective, evaluation measures, periodic review, comprehensive reevaluation and exit criteria.

160-4-7-.02 PREREFERRAL PROCEDURES

(1) **Requirement.**

(a) The Student Support Team (SST) is a building-level committee consisting of two or more persons whose responsibility is to identify and plan alternative instructional strategies for students experiencing academic, social and/or behavioral difficulties prior to or in lieu of referral to special education programs. Information about SST requirements is contained in Rule 160-4-2-.32 (Student Support Team).

1. Prior to referral to special education programs, the following information shall be a part of the student's record.

(i) Student's name.

(ii) Names of SST members.

(iii) Meeting dates.

(iv) Identification of student's needs.

(v) Any record of assessment.

(vi) Educational plan and implementation results.

(vii) Follow-up and, as appropriate, continuous evaluation.

2. It is not necessary for all students with severe disabilities to go through the SST process. If the SST is bypassed for any student, documentation shall support this action.

3. It is not necessary for preschool children with suspected disabilities to go through the SST process. Preschool children includes three and four year olds, and five year olds not yet eligible for state funded kindergarten.

Authority O.C.G.A. § 20-2-152; 20-2-168; 20-2-240; 20-2-1160.

Adopted: January 13, 1994 **Effective: February 14, 1994**

DOE: Ga. Dept. of Education
Division for Exceptional Students

Referral to the SST may be made by teacher(s), parent(s), or other service providers. This team reviews the referral and makes recommendations. The student may be referred for special education assessment or to other non-special education services, such as remedial education, guidance/counseling, and social services.

Prior to consideration for special education referral, other non-special education options should be considered and may include the following.

REGULAR EDUCATION MODIFICATIONS/ADAPTATIONS

Adjusted academic/instructional level for student
Alternative teaching method
Match of teacher methods to learning style
Computer-assisted instruction
Flexibility in location of student
Cooperative learning
Repeat of subject(s)/grade(s)
Cross-grade grouping
Behavior checklists/contracts
Remedial coursework in reading or math
Individual assessments
Change of curriculum
Use of paraprofessionals
In-school tutoring
After-school assistance by regular teacher
Compensatory programs (Chapter I, Special Instructional Assistance [SIA], Remedial Education, etc.)
Use of specialized materials
Peer tutoring
Small group work sessions
Summer school
Student Support Teams
Use of volunteers
Assistive Devices
Augmentative/Alternative Devices

COUNSELING/THERAPY/CONFERENCES

Individual counseling
Group counseling
Peer counseling/socialization activities
Discipline referral
Administrative guidance/discipline
Administrative-counselor-parent conferences
Counselor and/or school psychologist observation/recommendation(s)
Behavioral management/counseling
Vocational counseling
Health/social agency referral

CONSULTATION

Peer teacher
School psychologist
Visiting teacher
Specialized reading/math teacher
Georgia Learning Resources System/Child Serve staff
Guidance Counselor/Regional Educational Service Agency staff
Health/social service agency staff

EVALUATION/OUTSIDE AGENCIES

Physical/Occupational therapy services
Health services
Department of Human Resources
Medical Services
Vocational Education

PHASES IN THE IEP PROCESS

When non-special education interventions fail to bring about the desired result for the student and a disability is suspected, special education referral for evaluation may be initiated. It is only at the point of referral that special education due process procedures come into play.

SPECIAL EDUCATION REFERRAL TO PLACEMENT PROCESS

If the student is referred to special education, options considered or interventions implemented should be documented and described, and results should be discussed later at the special education IEP/placement committee meeting. The IEP/placement committee minutes should reflect options considered and the reason(s) for acceptance/rejection of each option. The minutes should be retained in the student's confidential files.

If the referral is for special education assessment, **a statement of parental rights and permission to evaluate** is sent to the student's home. (Attachment I)

When the student is being singled out for an evaluation which all students do not receive, such as vision and hearing screening, and/or other evaluations are conducted, **signed parental consent must be completed** and special education program eligibility requirements must be addressed.

Notice of the IEP/placement meeting is forwarded to parent.

Eligibility is determined and, if the student's needs cannot be addressed through regular education or other support services and the student is in need of special education, the IEP is developed. Placement minutes are written to include a discussion of program options considered and the reason(s) for acceptance/rejection of each option followed by a placement decision. The minutes should be retained in the student's confidential files.

If parental consent for placement is obtained, the student is placed and the IEP is implemented.

The IEP is reviewed at least annually, or more often, as needed.

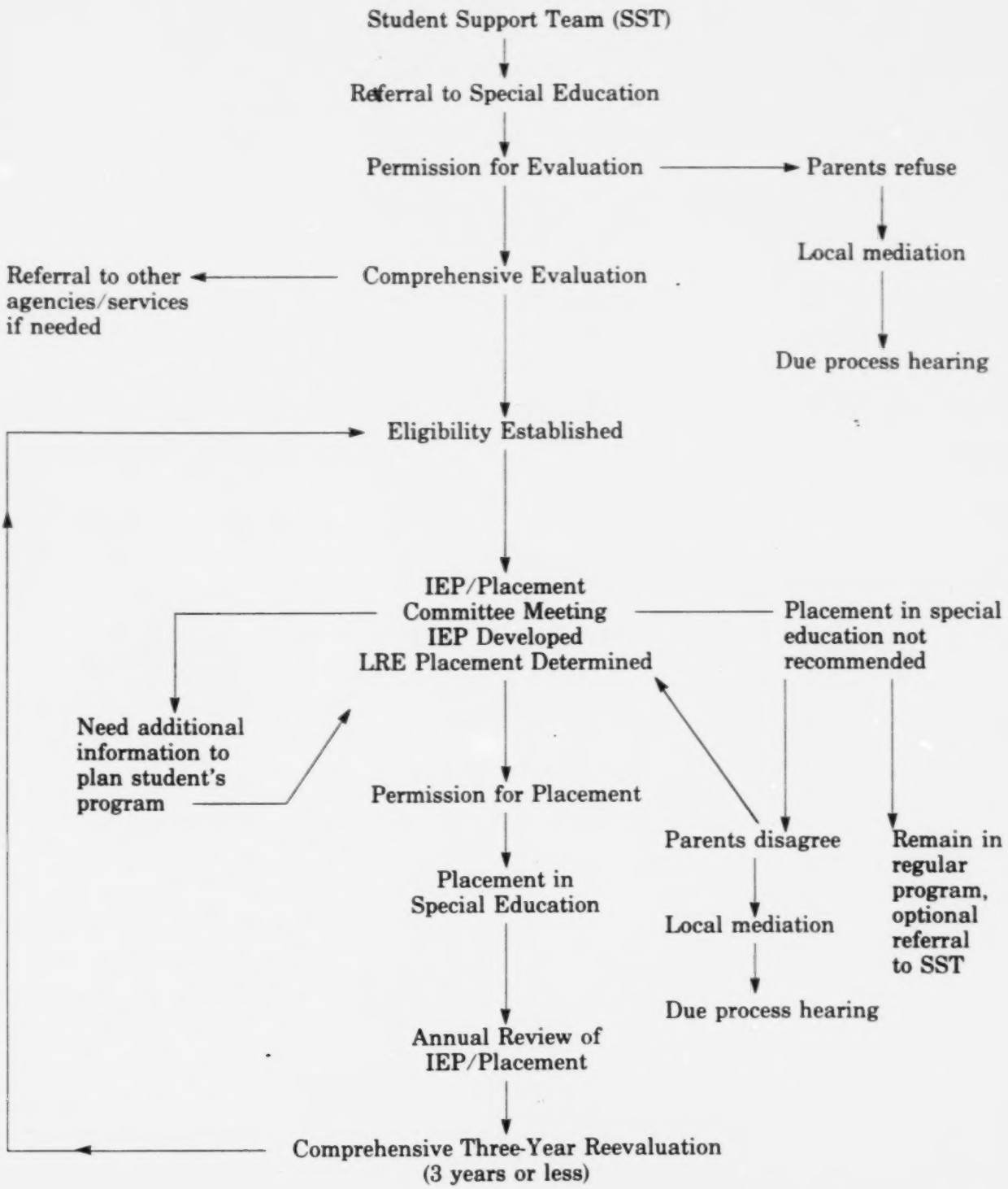
A comprehensive reevaluation is conducted at least every three years for continued special education placement.

The flow chart and accompanying narrative in Figures 1 and 2 outline specific steps in the IEP process.

CODE: IDDF (3,4 and 5)

FIGURE 1

DUE PROCESS PROCEDURES



SPECIAL EDUCATION REFERRAL AND PLACEMENT PROCESS (Continued)

(1) **Requirements.**

(a) Each responsible agency shall ensure that evaluation procedures are established and implemented that meet requirements of this rule.

(b) Once a student is referred to special education from the Student Support Team (SST) or other appropriate source, the evaluation and placement process shall be completed without undue delay and in no event exceed 90 calendar days while school is in session. Extenuating circumstances that may affect this time line, e.g., illness, unusual evaluation needs, revocation of parental consent for evaluation, shall be documented.

(c) The public agency assumes responsibility for the development of an appropriate IEP for the student, based on a description of the student's strengths and weaknesses and giving full consideration to cultural, sensory, language and adaptive factors.

(d) Testing and evaluation materials and procedures used to establish eligibility and/or for placement decisions are selected and administered so as not to be racially or culturally discriminatory.

(2) **Evaluation Procedures.**

(a) The evaluation shall be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

(b) Assessment shall include all areas related to the suspected disability, including, when appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

(c) No single test shall be the sole criterion for determining an appropriate educational program for a student.

(d) A full and individual formal evaluation shall occur prior to action taken in regard to the initial placement of a student with a disability into a special education program.

(e) Tests and similar evaluation materials are provided and administered in the student's native language or mode of communication unless it is clearly not feasible to do so.

(f) Tests and similar evaluation materials have been properly and professionally validated for the specific purpose for which the recipient proposes to use them.

(g) Tests and similar evaluation materials are administered in conformance with the instructions provided by their producer and are administered by trained personnel who meet appropriate certification or licensure requirements under Georgia law and state education standards.

(h) Tests and similar evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(i) Test selection and administration is such that, when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impaired sensory, manual or speaking skills, except where those skills are the factors which the test purports to measure.

(j) Information from sources in addition to ability or achievement tests, including information concerning physical condition, sociocultural background and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented.

(k) If evaluation data show the student is eligible for special education but does not require a special setting, the student shall not be placed outside the regular instructional setting. For preschool children ages three and four, consideration of placement shall include discussion of the least restrictive environment.

(l) Any changes in a student's special education placement shall be based on the student's current IEP, any other information relating to the student's current educational performance and existing formal evaluation data that are not more than three years old.

(m) Each responsible agency shall ensure that the IEP of each student with a disability is reviewed at least annually in accordance with IEP rules. Reevaluations shall be conducted at least every three years or whenever conditions warrant, e.g., a request by the student's parent(s)/guardian(s) or teacher(s). Reevaluation shall include a formal evaluation of the student based on the above procedures and including all areas of assessment needed to determine eligibility; prior notice to the parent(s)/guardian(s) of the proposed reevaluation in accordance with the procedural safeguards section of these rules; and the development of a new eligibility report.

CODE: IDDF (5)

11

Establishment of Eligibility

An eligibility report which documents the area of exceptionality will be completed and placed in each student's folder. A separate report for each eligible area of exceptionality is required. The eligibility report should provide key summary statements for each component of the eligibility requirements.

For suspected specific learning disabilities, a team consisting of a qualified psychological examiner, a teacher professionally certified in specific learning disabilities and one of the student's regular classroom teachers meets prior to the IEP/placement committee meeting to review assessment data and other information as a means of determining program eligibility. The team meets to compile the report which will be utilized to determine whether or not a student meets eligibility requirements for a specific learning disability program. The establishment of eligibility is a professional judgment that is based on all pertinent information that is thoroughly documented on the eligibility team report. It is the responsibility of the team to determine eligibility; however, the IEP/placement committee makes the decision regarding placement and programming.

FIGURE 2

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

1. **IEP procedure.**

(i) All agencies responsible for IEPs shall develop or revise an IEP for every student with disabilities annually or more often as needed.

(ii) The IEP shall be developed in an individualized education program/placement committee meeting initiated and conducted by the responsible agency.

(iii) For a student with disabilities who is receiving special education, a meeting shall be held early enough so that the IEP is developed by the beginning of the next school year. To meet this provision, the responsible agency may conduct the individualized education program/placement committee meeting at the end of the school year or during the summer.

(iv) For a student with disabilities who is not receiving special education services, an IEP/placement committee meeting will be conducted and an IEP developed within 30 days of determination of the student's eligibility for special education. The IEP, including short-term instructional objectives, must be in effect prior to a student receiving special education or related services. IEPs are to be implemented as soon as possible following the IEP meetings.

(v) The IEP is an educational and related services plan and not a binding contract for which the agency is responsible if the student does not achieve the growth projected in the goals and objectives. However, the local school system shall provide those services that are listed in a student's IEP. School systems may not refuse to consider the provision of extended-year service. If, after considering the need for extended-year service, it is determined that such a need exists, then the school system may not refuse to provide for that need.

2. **Content of IEP.**

(i) The IEP for each student shall include:

(1) A statement of the student's present levels of educational performance. This statement shall accurately describe the effect of the student's disability on his or her performance in any area of education that is affected, including academic and non-academic areas. There should be a direct relationship between the present level of performance and the other components of the IEP.

(2) A statement of annual goals including short-term instructional objectives. The annual goals are statements describing what a student with a disability can reasonably be expected to accomplish within a 12-month period in the student's special education program. Short-term objectives are measurable intermediate steps between a student's present level of performance and the annual goals.

(3) A statement of the specific special education and related services to be provided to the student and the extent to which the student will be able to participate in regular educational programs.

(4) The projected dates for initiation of services and the anticipated duration of the services.

(5) Appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved. Schedules for determining mastery must be projected and established at the time of the development of the IEP.

(6) Any modifications, adaptations or accommodations made in testing procedures for a student shall be noted. A student participating in the statewide testing program shall be tested in a manner consistent with the student's IEP.

IDDF (5)

Figure 2 (Continued)

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (Continued)

An IEP is a written statment developed and implemented in accordance with all provisions of the law, for each student with disabilities who is receiving or will receive special education. This requirement applies to all public agencies.

Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing and revising the IEP of a student with a disability. All agencies responsible for IEPs shall review, develop and/or revise an IEP for every student with a disability annually or more often, as needed.

The IEP shall be developed in an IEP/placement committee meeting initiated and conducted by the responsible agency annually.

For agencies conducting 12-month educational programs, the school year either begins September 1 and ends August 31 of the following year or begins July 1 and ends June 30 of the following year for the purpose of IEPs.

For a student with disabilities who is not receiving special education services, an IEP/placement committee meeting shall be conducted and an IEP developed within 30 calendar days of determination of the student's eligibility for special education. The IEP, including short-term instructional objectives, shall be in effect prior to a student receiving special education or related services. IEPs are to be implemented as soon as possible following the IEP meetings.

The IEP is an educational and related services plan and not a binding contract for which the agency is responsible if the student does not achieve the growth projected in the goals and objectives; however, the LSS shall provide those services that are listed in a student's IEP.

The responsible agency shall consider the provision to the student of extended school year services. If, after considering the need for extended-year service, it is determined that such a need exists, then the responsible agency shall provide for the need.

Special education and related services necessary to meet an individual student's needs shall be provided by qualified personnel. Such special education and related services shall be described on the student's IEP.

REEVALUATION

Each responsible agency shall ensure that the IEP of each student with a disability is reviewed at least annually in accordance with IEP rules. Reevaluations shall be conducted at least every three years or whenever conditions warrant, e.g., a request by the student's parent(s)/guardian(s) or teacher(s). Reevaluation shall include a formal evaluation of the student based on the above procedures and including all areas of assessment needed to determine eligibility; prior notice to the parent(s)/guardian(s) of the proposed reevaluation in accordance with the procedural safeguards section of these rules; and the development of a new eligibility report.

IDDF (5)

CONFIDENTIALITY REQUIREMENTS

1. Access Rights. Each public agency shall permit the parent(s)/guardian(s) to inspect and review any education records relating to his/her/their children which are collected, maintained or used by the agency.

(i) The public agency shall comply with the request without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation or placement of the child, and in no case more than 45 days after the request has been made.

2. The right to inspect and review education records includes:

(i) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(ii) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent(s)/guardian(s) from exercising the right to inspect and review the records; and

3. The right to have a representative of the parent(s)/guardian(s) inspect and review the records.

(i) Each public agency shall presume that the parent(s)/guardian(s) has/have the authority to inspect and review records relating to his/her/their child unless the agency has been advised that the parent(s)/guardian(s) does/do not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

4. Records of Parties Obtaining Access. Each public agency shall keep a record of parties obtaining access to data collected or maintained (except access by the parent(s)/guardian(s) and authorized employees of the education agency), including the name of the party, the date access was given and the purpose for which the party is authorized to use the data.

Figure 2 (Continued)

5. Records on More Than One Child. If any record includes data on more than one student, the parent(s)/guardian(s) of those students shall have the right to inspect and review only the data relating to their child or be informed of that specific data.

6. List of Types and Locations. Upon request, the agency shall provide the parent(s)/guardian(s) a list of the types and locations of data collected, maintained or used by the agency.

7. Fees. Upon request, parent(s)/guardian(s) may obtain copies of data for a duplication fee; however, if they provide ample evidence of inability to pay such fee, the data shall be provided free of charge. The participating agency shall not charge a fee to search for and retrieve information. Access to such data, if requested, is the right of each parent/guardian and shall not be denied by the public agency due to physical limitations or geographical locations.

AMENDMENT OF RECORDS

1. The parent(s)/guardian(s) who believe(s) that data collected or maintained are inaccurate or misleading or violates the privacy or other rights of the student may request that the local school system amend the data.

2. The agency shall decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request, not to exceed 30 school days.

3. If the agency decides to refuse to amend the data in accordance with the request, it shall inform the parent(s)/guardian(s) of the refusal and advise the parent(s)/guardian(s) of the right to a hearing. Opportunities for a hearing shall be held in accordance with Rule 160-4-7-.03 (Procedural Safeguards) and shall provide an opportunity to challenge data.

RESULTS OF HEARING

1. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent(s)/guardian(s) in writing.

2. If, as a result of the hearing, the agency decides the data are accurate and not misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s)/guardian(s) of his/her/their right to place in the record it maintains on the student, a statement commenting on the data and setting forth their reasons for disagreeing with the decision of the public agency.

3. Any explanation placed in the records of the student shall be maintained by the public agency as part of the records of the student as long as the record or contested portion thereof is maintained by the agency. If the records of the student, or the contested portion thereof, are disclosed by the public agency to any party, the explanation shall also be disclosed to the party.

CONSENT

1. Every effort shall be made to ensure that: the parent(s)/guardian(s) has/have been fully informed of the information in his/her/their native language; the parent(s)/guardian(s) understand(s) and agree(s) in writing to the release of information and records shall be sent; and the parent(s)/guardian(s) understand(s) that the granting of consent is voluntary.

2. Signed informed parental/guardian consent shall be obtained before disclosure of data to anyone or in any manner other than:

(i) Parent(s)/guardian(s) or eligible students;

(ii) School officials, including teachers within the LSS or legally constituted cooperating agencies, e.g., Psychoeducational Programs, Regional Education Service Agencies (RESAs) or shared services, when access has legitimate educational purposes;

(iii) In connection with a student's application for or receipt of financial aid;

(iv) With the written approval of the local school superintendent, organizations conducting a study on behalf of an education agency to develop, validate or administer predictive tests, to administer student aid or to improve instruction and will be available only to those conducting the study, with all personally, identifiable data destroyed when they are no longer needed for the purpose of the study;

(v) Accreditation agencies;

(vi) In compliance with a judicial order;

(vii) Authorized state or federal representatives evaluating or auditing federally-supported educational programs;

Figure 2 (Continued)

(viii) The Office for Civil Rights;

(ix) Officials of other schools or school systems in which the student seeks or is eligible to enroll, upon condition that the student's parent(s)/guardian(s) be notified of the transfer, receive a copy of the record, if desired, and have an opportunity for a hearing to challenge the content of the record;

(x) Department of Human Resources (DHR) facility for the purpose of making appropriate educational decisions;

(xi) Any use for purpose other than meeting a requirement under this part.

SAFEGUARDS

1. The local school superintendent or designee shall ensure the confidentiality of any personally-identifiable data.

2. All persons collecting or using personally-identifiable data shall receive instruction regarding Georgia Department of Education (GDOE) policies and procedures for use of data.

3. The public agency shall maintain for public inspection a current list of the names and positions of employees within the local school system who may have access to personally-identifiable data. This list shall include teachers and administrators directly involved in the educational interest of the student and others as designated in writing by the superintendent under guidelines established by the local board of education.

4. Whenever educational records of a student are released, the public agency shall:

(i) Maintain a record of those who have had access to the educational records and for what purpose (except for teachers and administrators in the local school);

(ii) Provide access to these records to the parent(s)/guardian(s) or eligible students;

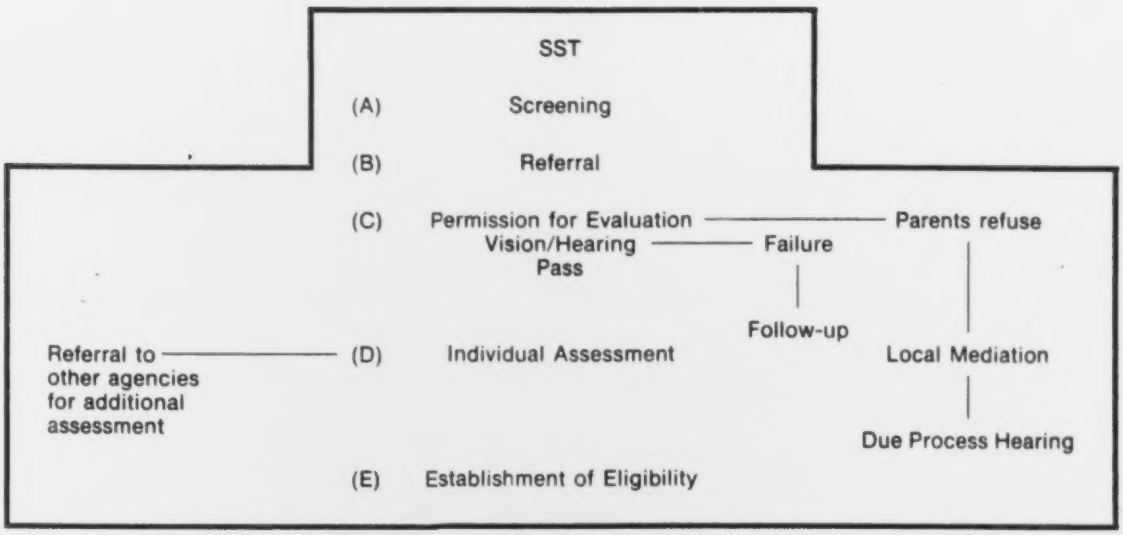
(iii) Specify in writing that persons receiving such records shall not permit access by third parties without the written consent of the parent(s)/guardian(s) or eligible student;

(iv) Transfer personnally-identifiable data used in making and maintaining placement in special education programs to another local school system which the student plans to attend. The parent(s)/guardian(s) or eligible student shall be informed and, upon request, receive a copy of all information transmitted;

(v) Protect the confidentiality of personally-identifiable information at collection, storage, disclosure and destruction stages.

IDDF (5)

PHASE I: IDENTIFICATION



Identification is the initial phase of the special education due process procedure. It includes screening, referral, permission for evaluation, individual assessment and establishment of program eligibility.

The evaluation process determines the student's specific learning needs and provides information to be used in developing the IEP if special education placement is recommended. The evaluation procedure includes not only formal assessments but ongoing, informal procedures used by the classroom teacher and other information provided by the parents of the student. The overall objectives of the procedure are:

1. to analyze and interpret the student's academic, social, physical, emotional and environmental strengths and weaknesses;
2. to provide a basis for IEP planning of annual goals;
3. to provide an ongoing mechanism for developing and evaluating progress toward short-term objectives; and
4. to aid in deciding upon an appropriate placement for the student which will promote individual growth.

ANALYSIS OF THE IDENTIFICATION PHASE

A. SCREENING

Screening identifies students in need of individual assessment.

B. REFERRAL

Referral is the process whereby parents or guardians, the student, school personnel (through the Student Support Team), appropriate public agencies or other professionals (through the Student Support Team) may request assessment of a student's abilities and needs.

C. PERMISSION FOR EVALUATION

1. A signed parental consent form is required before any individual assessment (i.e., hearing, vision, speech, psychological) is conducted.

2. Vision and hearing must be screened prior to educational or psychological assessment. Failure of either screening must be followed up with rescreening and further evaluation, if necessary. The assessment process should not continue without valid information about the status of vision and hearing acuity.

D. INDIVIDUAL ASSESSMENT

In conducting an individual assessment, a local school system must use appropriate evaluation procedures, including trained evaluation personnel, multidisciplinary teams, validated and nondiscriminatory assessment procedures, the language or other mode of communication commonly used or understood by the student, and more than one procedure or instrument.

E. ESTABLISHMENT OF ELIGIBILITY

Following the assessment procedures, all evaluation data are used to determine the student's needs. **Eligibility** for special education services is determined. For suspected learning disabilities, a team meets prior to the IEP/placement meeting to review completed assessment data and other information, and to determine eligibility for special education and related services. **Eligibility** does not dictate placement. The team should refer to *Rules (IDDF), Georgia Department of Education* or *Resource Manuals for Division for Exceptional Students* for specific program area eligibility criteria. Contents of the eligibility report should highlight summary statements but should not contain placement-determining statements.

The IEP/placement committee makes the decision regarding IEP content, followed by placement and programming recommendations. The entire procedure must be documented in the placement committee minutes and the IEP document.

Separate eligibility meetings may be held prior to the IEP/placement meeting, or these steps may be sequentially addressed at a combined meeting. If a combined meeting is conducted, the local school system must include the student's parent or surrogate parent as participants in the meeting. A team, however, must meet and prepare a report to establish eligiblity for students with suspected learning disabilities.

Staff Roles in the Identification Process

Throughout the identification phase of IEP implementation, the following participants may be included.

- Special Education Teacher
- Special Education Administrator
- Principal
- Regular Education Teacher
- Support Personnel
- Related Services Personnel
- Parents/Surrogates
- Student
- Other Service Providers

The specific duties and responsibilities of each of these participants are outlined in Figure 3. The possible involvement of some of these individuals will also be discussed in the sections which follow.

FIGURE 3

Student Support Team

Every public school must have an active Student Support Team (SST) Rule 160-4-2-.32. The SST is a building-level committee consisting of two or more persons established to identify and plan alternative instructional strategies and curriculum options for students experiencing academic and/or behavioral difficulties prior to or in lieu of referral to special education programs. The team may be comprised of principals, assistant principals, classroom teachers, special education teachers, counselors, school social workers, school psychologists, central office personnel and the student's parents. The process for planning and implementing alternative instructional strategies includes:

- identification of needs
- assessment, if necessary
- establishment of an educational plan
- implementation of the plan
- follow-up and support
- continuous monitoring and evaluation

Documentation of SST activities must include:

- name of student
- names of SST members
- meeting dates
- identification of student needs
- records of assessment and previous group testing
- educational plan and implementation results
- follow-up and, as appropriate, continuous evaluation

Instructional strategies and alternatives must be attempted and documented for any student who is ultimately referred to special education. For students with obvious severe intellectual disabilities and for whom delay of referral to special education would be detrimental, the SST may bypass implementation of alternative strategies prior to referral. The reason(s) for bypassing this process must be clearly documented in student records.

RELATED INFORMATION:

A. Before additional assessment to define the student's needs is conducted by the SST, existing school records and other pertinent information on the student should be thoroughly reviewed.

B. The SST may recommend a wide range of alternative instructional strategies or referral to special support services in order to improve the instructional delivery system to students including, but not limited to, the following:

- alternative instructional methods/materials
- restructured/abbreviated assignments
- behavior modification checklist/contract
- use of specialists as a resource
- specialized or adapted teaching techniques
- placement in other regular class(es)
- State Remedial Education Program (REP)
- Chapter 1 Program services
- Chapter 2 Program services
- special education services

C. Students no longer eligible for special education or other supplemental or support services should be provided appropriate services through the SST process.

D. Office of Instructional Services, Georgia Department of Education, is responsible for providing technical assistance regarding SSTs to local systems upon request.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

	SPECIAL EDUCATION ADMINISTRATOR
SCREENING	Provides in-service for regular and special education teachers and administrators on identification and programming techniques. Provides appropriate materials for assessment. Designates personnel in individual school buildings or systemwide for screening responsibilities. Reviews available testing data. Uses mass screening data, determines criteria for individual assessment.
REFERRAL	Knows what programs, other than special education, are available to meet the needs of the student. Provides referral forms. Is aware of the criteria for placement in each area of disability. Explains the identification procedure to other professionals and parents.
PERMISSION FOR EVALUATION	Provides forms, procedures and guidelines for securing parent permission for assessment. Provides means of informing parents of their rights. Provides information about the types of evaluation instruments which may be administered.
INDIVIDUAL ASSESSMENT	Makes certain that procedures have been used and program eligibility requirements are determined.
ESTABLISHMENT OF ELIGIBILITY	Is aware of data gathering for eligibility reports. Consults with parent and/or teacher, if necessary. Assures that relevant information is collected and made available to referral agents.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

PRINCIPAL	
SCREENING	Provides ongoing staff development; fosters positive attitudes for special education. Provides for availability of personnel and facilities for screening purposes. May chair or assign chair of SST meetings to coordinate strategies, interventions and the need for further individual assessment. Sets the climate for student-centered approach in his/her building.
REFERRAL	Knows what programs, other than special education, are available in the school to meet the needs of the student. Is aware that referral forms are available from special education personnel.
PERMISSION FOR EVALUATION	Provides necessary information for completion of parental consent process. Informs parent of parental rights in special education.
INDIVIDUAL ASSESSMENT	Assumes the responsibility of following the referral through required due process steps.
ESTABLISHMENT OF ELIGIBILITY	Is aware of data gathering for eligibility reports. Consults with parents and/or teachers, if necessary.

NOTE: **Vision and hearing must be tested prior to individual evaluation or psychological assessment.**

The following provisions may be necessary prior to formal assessment.

a. Testing or additional testing of vision and/or hearing.
b. Adaptation of testing procedures or selection of special instruments to ensure optimal conditions and valid results.
c. Correction of vision or hearing deficits (glasses, hearing aid, etc.)
d. If a sensory defect is determined by an appropriate medical professional to be uncorrectable, psychological and/or educational testing may proceed according to provisions in state regulations.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

REGULAR EDUCATION TEACHER

SCREENING	Contacts Student Support Team; implements Student Support Team plan/strategies; documents effects of SST plan. Observes student in classroom and initiates referrals for evaluation. Provides background information to accompany screening and individual assessment including, for example: — anecdotal records — cumulative record information — behavior observations — academic progress — group testing — work samples — formal/informal observation
REFERRAL	Contacts special education personnel for referral form. Returns completed form to designated special education personnel.
PERMISSION FOR EVALUATION	Assists in providing information to parents concerning student's need for individual assessment. May invite other staff to assist in this conference. May provide information for completion of parental consent process. May secure parental consent through letter. May make home visit. Informs parents of their rights.
INDIVIDUAL ASSESSMENT	Provides samples of the student's work, observational data, background information on the student's social and emotional adjustment, academic achievement and other pertinent information.
ESTABLISHMENT OF ELIGIBILITY	Serves as specific learning disabilities (SLD) team member and in other eligibility meetings, as appropriate. Collects written samples of student's relevant classroom work. Prepares a statement of student's academic and social performance. Provides documentation of alternative approaches which have been attempted through the SST process. Assists eligibility team members in preparing written team report. Gives input in preparing eligibility reports of other students with disabilities.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

SPECIAL EDUCATION TEACHER	
SCREENING	May act as facilitator for screening process. May participate as SST team member to review screening results to determine need for further evaluation. In some cases, may administer screening instruments and/or train others to do so.
REFERRAL	Has referral forms available. Is aware of the criteria for placement for area of disability. Understands the IEP process.
PERMISSION FOR EVALUATION	Not applicable.
INDIVIDUAL ASSESSMENT	May be asked to observe the student in the regular classroom and/or to administer formal or informal assessment procedures.
ESTABLISHMENT OF ELIGIBILITY	May provide written report of observations of the student in the regular classroom setting. (Psychologist may also be the team member who performs this function.) Assesses student's level of academic performance. This also may be done by psychologist. Tests (using a minimum of two measures) to document area(s) identified as deficit areas. SLD or interrelated special education teacher serves as a member of eligibility team and other eligibility meetings, as appropriate. Assists in writing specific learning disability team report (LD or interrelated teacher only). In general, the special education teacher develops or assists in the development of an individual student's eligibility report.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

	SUPPORT PERSONNEL
SCREENING	N/A
REFERRAL	N/A
PERMISSION FOR EVALUATION	N/A
INDIVIDUAL ASSESSMENT	N/A
ESTABLISHMENT OF ELIGIBILITY	PSYCHOLOGIST: Administers psychological evaluation. • May test academic areas. • May prepare written report of regular classroom observation. • Serves as a member of specific learning disabilities (SLD) team. • May participate with other school personnel in the development of an eligibility report for a student with a disability. COUNSELOR: Provides member of SLD team and/or other eligibility teams with relevant information. • Consults with parents regarding student behavior(s). MEDICAL PERSONNEL: Provides eligibility teams with medical information relevant to the special education eligibility process. Upon initial referral, provides information on the otological health of students suspected of hearing loss.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

RELATED SERVICES PERSONNEL	
SCREENING	May facilitate follow-up.
REFERRAL	Contacts special education personnel for referral form.
PERMISSION FOR EVALUATION	Provides information to parents concerning student's need for individual assessment. May invite other staff to assist in this conference. Provides necessary information for completion of parental consent process. May secure parental consent through letter. May make home visit. Informs parents of their rights.
INDIVIDUAL ASSESSMENT	Observes the student in the classroom, reviews all records, determines whether all previous tests and records are available. Establishes rapport with the student, administers appropriate assessment instruments, reports and interprets results. Each member of the interdisciplinary diagnostic team assumes responsibility for considering the student's total needs, recommending additional procedures or obtaining additional information. Examples: — Language — Health — Psychiatric — Social Services Audiologist may provide information to parents on amplification for students with hearing impairments.
ESTABLISHMENT OF ELIGIBILITY	MEDICAL PERSONNEL: Provides SLD team or other eligibility teams with relevant medical information. AUDIOLOGIST: Tests for possible hearing problems. Measures hearing levels with and without hearing aids, annually, for identified students with hearing impairments.

Figure 3 (Continued)

Recommended Roles in the Identification Phase

PARENTS/SURROGATES	
SCREENING	Communicate with school regarding necessary screenings for students.
REFERRAL	Contact special education personnel, regular teacher, or principal. Return completed form to specified special education personnel.
PERMISSION FOR EVALUATION	Communicate with school personnel. Provide additional information about the student. Indicate understanding of parental rights. Agree to individual assessment and sign consent forms. May refuse to consent to individual assessment.
INDIVIDUAL ASSESSMENT	Provide the team with background information (medical, hereditary, environmental, developmental, etc.). Share personal information about the student's strengths and weaknesses.
ESTABLISHMENT OF ELIGIBILITY	Provide relevant information (e.g., medical information, behavioral) regarding the student.

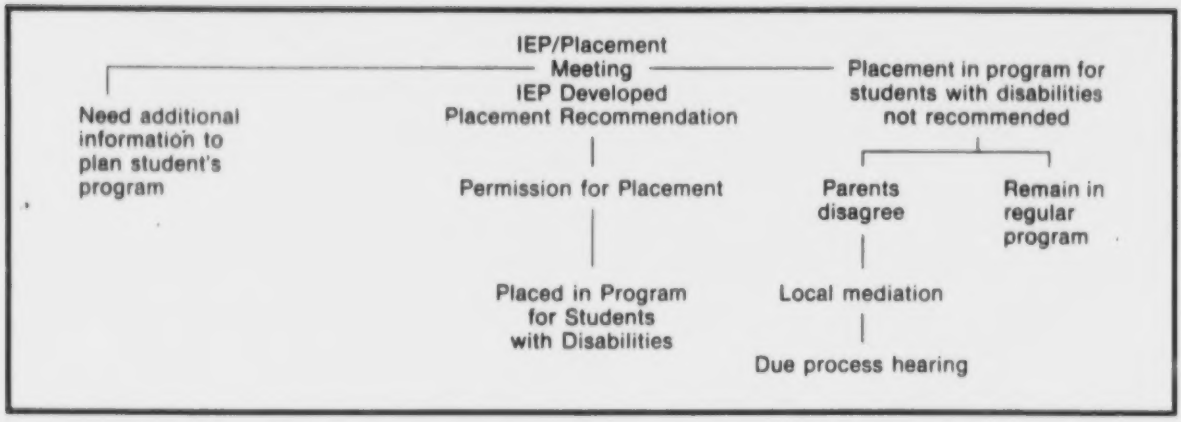
Figure 3 (Continued)

Recommended Roles in the Identification Phase

	STUDENT
SCREENING	N/A
REFERRAL	Talks to regular education teacher or principal.
PERMISSION FOR EVALUATION	If not a minor (i.e., under 18 years of age), a student has the rights usually given to parents concerning acceptance or rejection of evaluation and other parental rights.
INDIVIDUAL ASSESSMENT	Participates actively in the evaluation process and completes tasks to best of ability. Shares his or her viewpoint of individual strengths, weaknesses and needs.
ESTABLISHMENT OF ELIGIBILITY	Student may provide relevant information (e.g., how he or she learns best).

	OTHERS
SCREENING	N/A
REFERRAL	Contacts school personnel to obtain referral form.
PERMISSION FOR EVALUATION	Returns completed form to specified special education personnel.
INDIVIDUAL ASSESSMENT	Upon request of parent, LSS or regional hearing officer, conducts independent evaluation and submits results to LSS eligibility team.
ESTABLISHMENT OF ELIGIBILITY	N/A

PHASE II: INTERVENTION



Following the identification phase, the next step in the IEP process is intervention. This phase includes the IEP/placement meeting(s), development of the IEP and placement recommendation, parent permission for placement, actual placement in the special education program and delivery of appropriate special education and related services in the least restrictive environment. Responsibilities and IEP participant roles must be clearly delineated at each level of the intervention phase.

A. IEP/PLACEMENT COMMITTEE MEETING

1. **Notification of the IEP Meeting**

The notice should be sent to parents and other participants at least three to five days prior to the meeting to allow ample time for necessary arrangements. It is important that the information contained in Attachment I of this guide be included with the LSS notice.

Each local school system must take steps to ensure that parents of the students with disabilities are present at the IEP/placement committee meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually-agreed upon time and place and notifying parents of meetings early enough to ensure that they will have an opportunity to attend.

The agency which places or refers a student to a private agency must ensure that provision is made for a representative from the private agency to participate in each meeting. If the private agency representative cannot attend a meeting, the agency should use other methods to ensure participation by the private agency, including individual or conference telephone calls.

2. **Participants in the IEP meeting**

a. **Members**

The local school system must ensure that each IEP/placement committee meeting includes but is not limited to the following:

(1) A representative of the agency, other than the student's teachers, who is qualified to provide or supervise the provision of special education. (This does not exclude other qualified special education instructors.)

(2) The student's teacher or teachers, special or regular or both, including those who have a direct responsibility for implementing the IEP. In considering participants in the IEP conference, including a change in placement, emphasis is placed on the need to involve the new receiving teacher(s) in the development of the IEP.

(3) One or both of the parents. The local school system shall take steps to ensure that the parents of the student were present at the individualized planning conference or are afforded the opportunity to participate in developing their child's IEP, which includes scheduling the meeting at a mutually-agreed upon time and place and notifying parents of the meeting early enough for them to make arrangements to attend.

If a parent has a communication barrier, such as deafness, or if English is not the primary language in the home, the responsible agency must provide an interpreter or take whatever action is necessary to assure that the parent understands the proceedings.

b. **Others Who Might Be Included**

(1) The student, when appropriate. Students 16 years of age must be involved in developing their transition plans.
(2) Other individuals, at the discretion of the parent or agency.

(3) For a student with a disability who has been evaluated for the first time, the responsible agency must ensure that a member of the evaluation team, or someone knowledgeable about the evaluation procedure used and the evaluation results, participates in the meeting
(4) School psychologist, social worker, visiting teacher, guidance counselor or school nurse, when appropriate
(5) Related service providers
(6) Interagency personnel

3. **Recommended Roles in the Intervention Phase**

IEP/Placement Meeting Responsibilities

Administrator/Chairperson

Persons assigned this role should be given extensive staff development on due process procedures and roles of various members of the IEP/placement committee. Persons chairing such meetings have an important role in collecting information, arranging meetings of the committee, and seeing that parents are involved. All members of the committee should be made aware of the often threatening nature of such conferences for parents and every effort should be made to see that they are at ease to participate fully in the meeting. Members of the committee should be advised beforehand of what they should bring to the meeting and other expectations relating to their participation. Also, the chairperson should give a brief statement of background information including who referred the student, the reason for referral, and the need for the parent to participate. The chairperson should be sure to carefully introduce all persons present and explain their relationship to the student. A recorder should be appointed.

The chairperson should see that each person has an opportunity to contribute his/her unique view of the student while encouraging the committee to remain task-oriented.

Recorder

In addition to his or her duties as an IEP/placement committee member, the recorder is responsible for documenting in writing the

(1) IEP information; and
(2) IEP/placement committee meeting minutes which must include options considered during the meeting.

Regular Education Teacher

The regular education teacher may be asked to provide the following types of information or input at the IEP/placement committee meeting.

(1) Student's academic performance.
(2) Student's nonacademic performance.
(3) Student's pertinent assessment data.
(4) Program decision-making.

Special Education Teacher

The special education teacher may have one or more of the following functions:

(1) Explain the area(s) of disability and the program framework.
(2) State student's academic performance.
(3) State student's nonacademic performance.
(4) State student's social history.
(5) State and interpret pertinent assessment data.
(6) Clarify eligibility requirements.

Parents

(1) Participate actively in the discussion about the student's need for special education and related services.
(2) Join with the other participants in deciding what special education and related services are appropriate in order to provide an appropriate education in the least restrictive environment.
(3) Be aware of parents' rights and responsibilities under the IDEA.
(4) Act as a surrogate parent (person appointed to represent a student when the student is a ward or without parent representation or for other reasons). With respect to special education due process, the surrogate has all the rights and responsibilities of the parent.

Other Service Providers

Responsibilities of other IEP participants should be determined by their relationship to the student.

B. DEVELOPING THE IEP

1. **Essential Components**

   a. **Date of meeting**

   b. **Establishment of eligibility:** The initial responsibility of the IEP/placement committee is to discuss all pertinent information; i.e., academic achievement, adaptive behavior, prevocational and vocational skills, psychomotor skills, self-help, language skills, and other areas assessed through screenings, group and

individual testing, observation, case history reviews and parental concerns. An eligibility report should be developed or reviewed for each student with a disability.

The specific learning disabilities team may have met previously to determine eligibility but will not have made a recommendation for placement. If not held previously, the specific learning disabilities team meeting should be the first order of business for the IEP/placement committee and an eligibility team report should be completed.

c. **Present levels of educational performance:**

(1) The statement should accurately describe the effects of the disability on the student's performance in any area of education that is affected, including (a) academic areas (reading, math, communication, etc.), and (b) nonacademic areas (daily life activities, behavior, mobility, etc.). (NOTE: Labels such as "emotional/behavioral disordered" or "deaf" may not be used as substitutes for the description of present levels of educational performance and test scores or percentiles of educational performance should not be used without elaboration.)

(2) The statement should be written in objective, measurable terms, to the extent possible. Data from the student's evaluation would be a good source of such information. Test scores which are pertinent to the student's diagnosis might be included, where appropriate. However, the scores should be either self-explanatory (i.e., capable of interpretation by all participants without the use of test manuals or other aids), or an explanation should be included. Whatever test results are used should reflect the impact of the disability on the student's educational performance.

(3) There should be a direct relationship between the present levels of educational performance and other components of the IEP. Thus, if the statement describes a problem with the student's reading skill, this problem should be addressed under both goals and objectives and should include specific special education and related services to be provided to the student.

d. **Annual goals:** The annual goals in the IEP are statements which describe what a student can reasonably be expected to accomplish within one school year in the student's special education program. There should be a direct relationship between the annual goals and the present levels of educational performance.

e. **Short-term instructional objectives:** Short-term instructional objectives (also called IEP objectives) are measurable, intermediate steps between a student's present levels of educational performance and annual goals. The objectives are developed on the basis of a logical breakdown of the major components of the annual goals and can serve as milestones for measuring progress toward meeting the goals.

IEP instructional objectives must be written prior to placement. A short-term instructional objective should be written in observable/measurable terms. Schedules and criteria for determining mastery must also be included, with specific dates(s) for determining mastery.

The statutory requirements for including annual goals and short-term objectives, and for having at least an annual review of a student's IEP, are designed to determine if desired outcomes are being met (i.e., whether he/she is progressing in the special education program and whether the placement and services are appropriate to the student's special learning needs). In effect, these requirements provide a way for teachers and parents to be able to track the student's progress in special education. However, the goals and objectives in the IEP are not intended to be as specific as the goals and objectives normally found in daily, weekly or monthly instructional plans.

f. **Programming Recommendations**

(1) **Specific special education and related services:** The IEP is required to include only those matters concerning the provision of special education and related services and the extent to which the student can participate in regular education programs. For some students with disabilities, the IEP will address only a very limited part of their education (e.g., for a student with a speech/language impairment, the IEP generally would be limited to the student's speech impairment). For other students (e.g., those with severe disabilities), the IEP might include their total education. An IEP for a student with an orthopedic impairment, with no intellectual disability, might consist **only of specially designed physical education.**

(2) **Time in regular education:** The IEP for each student must include a statement of the extent to which the student will be able to participate in regular educational programs. One way of meeting this requirement is to indicate the number of segments the student will be spending in the regular education program with regular education students. Another way is to list the specific regular education classes the student will be attending. For example, if a student with a severe disability is expected to be in a special classroom setting most of the time, it is recommended that, in meeting the above requirement, the IEP should include any noncurricular activities in which the student will be participating with other students (e.g., lunch, assembly periods, club activities and other special events).

(3) **Transportation:** This area is addressed in detail only if the student is to receive specialized transportation other than regular bus service to his/her home school. Examples include the necessity of a lift bus, changing buses for delivery to a specific program or door-to-door service.

(4) **Adapted or other specially designed physical education:** For students requiring specially designed physical education, the physical education program should be included under all parts of the IEP (e.g., present levels of education performance, goals and objectives, and specific services to be provided). Adapted physical education may be provided by physical education teachers, special education teachers or adapted physical education teachers.

The following general guidelines may assist the IEP/placement committee in determining if a student with a disability may require a specially designed physical education program.

(a) Performance below 30th percentile on standardized tests of motor development, motor proficiency, fundamental motor skills and patterns, physical illness, game/sport skills, and/or perceptual-motor functioning.

(b) Developmental delay of two or more years based on appropriate assessment instruments.

(c) Severe range of disability according to eligibility criteria established in the *Rules of the Georgia Board of Education, Division for Exceptional Students,* Chapter 160-4-7.

(d) Social/emotional and physical capacities and capabilities such that goals set for the regular physical education class are not appropriate for the special education student or if, by the student's inclusion, the goals for the regular physical education program must be significantly modified.

(5) **Transition Services:** Individualized education programs developed for students who are 16 years of age or older must include provisions for transitional services. The inclusion of transitional services for students who are below age 16 is optional. Transitional services are a coordinated set of activities, specially designed for the student within an outcome-oriented process. These activities should promote movement from school to post-school settings, including the following:

Postsecondary education
Vocational training
Integrated employment (including supported employment)
Continuing and adult education
Adult services
Independent living
Community participation

The coordinated set of activities shall be based on the individual needs, preferences and interests of the student. The activities should also include institution and community experiences, development of employment and other postschool adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

The following areas are specific considerations which might be addressed in the development of transitional services goals/objectives in the IEP.

- Living arrangements
- Homemaking needs
- Financial/Income needs
- Community Resources
- Family planning
- Leisure/Recreation
- Transportation
- Medical services
- Advocacy/Legal
- Social relationships

For more specific information regarding the transition requirements, see Attachment XI.

(6) **Initiation of service:** The initiation of service statement indicates the date of actual placement of the student in a special education program.

(7) **Duration of service:** In general, the anticipated duration of service would be one school year as determined by individual student's needs. There should be a relationship between the anticipated duration of services and other parts of the IEP (e.g., annual goals and short-term objectives), and each part of the IEP would be addressed whenever there is a review of the student's program.

C. PLACEMENT RECOMMENDATION

1. IEP/Placement Committee Meeting Minutes

IEP/placement committee meeting minutes are essential in documenting which program areas and delivery models were discussed as possible placement for the student and as justification of final placement(s). Because the minutes are viewed as evidence of how placement decisions are reached, the recorder needs to pay close attention to what is being discussed and record all pertinent information. The minutes are intended to be an actual record of proceedings to supplement what is included in the IEP.

2. Parent Participation

a. School officials should attempt to ensure that one or both of the parents of the student with a disability are present at each meeting or are afforded the opportunity to participate by:

(1) notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and

(2) scheduling the meeting at a mutually agreed upon time and place.

b. Notices to parents must indicate the purpose, time and location of the meeting and who will be in attendance.

c. If neither parent can attend, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls.

d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must have a record of its attempts to arrange a mutually-agreed upon time and place, such as:

(1) detailed records of telephone calls made or attempted and the results of those calls,

(2) copies of correspondence sent to the parents and any responses received, and

(3) detailed records of visits made to the parent's home or place of employment and the results of those visits.

e. The school should take whatever action is necessary to ensure that parents understand the proceedings at meetings, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

f. The responsible agency shall provide **documentation** that the parent has had an opportunity to see and understand the student's IEP. This documentation must include the fact that the parents have been informed and understand their right to initiate a formal due process hearing if they are in disagreement with the student's IEP. Such documentation must also include the fact that the parents have been informed of all of the procedures applicable to such a hearing. Upon request, parents must be given a copy of the IEP. Upon the request of the parents, a formal due process hearing must occur in conformance with procedures outlined in the *Georgia Department of Education Special Education Rules.*

D. IEP FORMATS

Some special education programs have developed IEP forms which contain certain preprinted information in each of the areas required in an IEP. There is wide variance among systems in the amount of information which is preprinted. Program review findings indicate that systems using open-ended rather than checklist formats tend td have fewer partial compliance issues associated with IEP content. Any system requesting approval of forms with significant amounts of predetermined information should meet the following requirements.

1. The form has been reviewed and found appropriate for each program area for which it is used.
2. Alternate forms are available for use when needed.
3. The IEP form contains sufficient space for written comments, individualized statements and additional goals and/or objectives.
4. In-service training in the correct use of the form is provided for special education teachers and other individuals responsible for conducting IEP meetings.

E. COMPUTER GENERATED IEPs

The use of computer technology can provide substantial help and flexibility in the development of the IEP. Information which may aid in completion of the IEP could be generated after a student's comprehensive individual evaluation is completed. Agency policy and procedure should ensure, however, that the IEP is a written statement developed in a meeting with the agency representative, the teacher, the parent and, whenever appropriate, the student. It is not permissible for an agency to present a completed IEP to parents for their approval. During the IEP/placement committee meeting, there must be full discussion with the parents concerning (1) the student's need for special education and related services, and (2) what services the agency proposes to provide to the student. In cases where the parents are absent, written documentation of the IEP/placement meeting should be available to parents or surrogate parents. Following the opportunity for discussion, an agency may then incorporate computer-generated data and other information as part of the student's IEP.

Goals and objectives should be based on an individual student's unique needs as determined through a variety of evaluation data. A single diagnostic instrument or procedure would not suffice in assessing the needs of students with disabilities. The process that any local school system may choose to implement should be the subject of an ongoing review to assure that minimum requirements applicable to the development and content of the IEP remain, and the eventual product continues to address each student's individual needs.

F. IEP PROVISIONS FOR COMPETENCY-BASED EDUCATION

High school graduation requirements provide secondary students the opportunity to earn a regular high school diploma, special education diploma or a certificate of performance. To receive a regular high school diploma, students must meet the local school system attendance requirements, earn the required Carnegie units (through regular and/or special education classes) and pass the Basic Skills Test. The student's IEP should be the management document through which graduation requirements can be met.

The high school performance certificate is awarded to students who do not complete all of the criteria for a diploma but who meet all requirements for attendance and Carnegie units. The special education diploma is

awarded to students with disabilities assigned to a special education program who have not earned Carnegie units or passed the Basic Skills Test but who have completed all of the requirements of their Individualized Education Programs The student's IEP should be the management document through which graduation requirements can be met.

Students who are unable to meet all requirements for a diploma may earn a certificate of performance and/or special education diploma. The certificate of performance, and/or special education diploma, will be awarded to students who meet all requirements for attendance and complete their IEP.

The following areas may be addressed during an IEP/placement meeting.

1. Method of earning Carnegie units
2. Appropriate curriculum and assessment procedures
3. Appropriate instruction for meeting skill requirements

Modifications which will be needed for students with disabilities who receive a portion of their instruction in regular education classes should be written into or attached to the student's IEP.

For those students who will earn a certificate of performance, the IEP should contain specific goals and objectives which will enable them to earn Carnegie units and attain state skill requirements.

State Testing

Students with disabilities must be provided the opportunity to participate in the statewide testing program. Decisions related to the participation of a student with a disability and recommendation of any modifications in administration should be made and documented during the individualized education program (IEP) review. All modifications must adhere to the State's guidelines for student assessment.

(1) **Assistive Technology.**

(a) Assistive technology includes assistive technology devices and services.

(i) Assistive technology device — an item or piece of equipment that increases, maintains or improves the functional capabilities of a student with a disability. Low and high technology devices may be purchased, constructed or modified to meet the student's needs. Assistive technology may be utilized for the following purposes: augmentative and alternative communication (AAC); assistive listening; computer access; environmental control; leisure, play and physical education; mobility; positioning; self care and vision.

(ii) Assistive technology service — any service that aids a student with a disability in the selection, acquisition or use of an assistive technology device. These services may include: the evaluation of the student's assistive technology needs, providing for the acquisition of assistive technology devices and training the student in the use of the assistive technology device.

(b) Students with disabilities who require assistive technology in order to receive a free appropriate public education (FAPE) are eligible for assistive technology devices and services as specified in the student's IEP.

(c) A comprehensive evaluation must be conducted to determine the need for assistive technology devices and/or services.

(d) This evaluation shall be conducted by a multidisciplinary team which may include a speech-language pathologist, an occupational therapist, a physical therapist and a teacher. Other professionals such as vision therapists, audiologists, rehabilitation engineers and physicians may be included on the team as needed.

(e) This evaluation may include an assessment of the student's cognitive/academic, auditory, vision, speech and language and motor skills and should document assistive technology needs and identify appropriate devices and/or services.

IDDF(9) 160-4-7-.09

Support services and resources are available locally through the 17 GLRS programs. These programs house a collection of assistive and adaptive devices which may be checked out for use by personnel who work with students with disabilities.

The Georgia Program for Assistive Technology (G-PAT) is available to provide training and technical assistance to local school systems as they evaluate students for assistive devices utilization.

Both groups provide services statewide as well.

PHASE III: EVALUATION

Annual Review of

IEP/Placement

Three-year Reevaluation

Evaluation considerations should begin with the IEP conference. One of the most important aspects of the IEP is the annual review and evaluation activity. Evaluations can and should be conducted less formally on a periodic basis as need indicates.

A. ANNUAL REVIEW OF IEP/PLACEMENT

The IEP must be reviewed at least annually to ensure that it is current and appropriate. Meetings held to review an IEP should be attended by a representative of the local school system, the student's teacher(s), parent(s), the student (when appropriate), and other individuals invited by the parent or the local school system. The IEP/ placement committee should identify needs and rewrite the IEP to incorporate revisions annually, or more often, if necessary.

The annual review is a most important aspect of the IEP. Background information should include, but not be limited to, the reason for initial referral, levels of achievement, psychological assessment, class performance, teacher observation, special projects, peer/teacher interaction and other related data. A review may be requested at any time by any member of the IEP/placement committee. The student's progress should be evaluated carefully. Goals and objectives may be modified or changed and alternative placements and services considered. Total aspects of the student's progress should be considered, including related services and an appropriate physical education program.

In order for appropriate assessment and input to be gathered on each student, the recommended approach would be to stagger IEP reviews over the entire school year. This procedure enables service providers to complete a thorough assessment before the review is scheduled. The IEP annual review meeting must follow all due process procedures. If it is determined at the annual review that a change in placement is indicated, the placement minutes should reflect justification for the change.

If the school system chooses to hold all annual reviews in the spring or in the fall, ample time should be allotted for assessment and for conducting the annual review meeting.

IEP ANNUAL REVIEW CHECKLIST

This checklist was developed as a reference for teachers, administrators, parents, related services staff and other program implementers who conduct periodic reviews of individualized education programs (IEPs). It is not a federal or state requirement and is intended only to serve as a guide for the annual IEP review. Brief narrative elaborations may be made on specific items in the checklist.

The checklist is divided into four sections, each of which should be completed by individuals having direct responsibility for that particular portion of the student's IEP. It is the intent of the developers of the checklist to provide a format which affords opportunity for review and input by both parents and individuals having key responsibilities in instruction, administration and related services.

With appropriate modifications, the checklist may be used for IEP reviews for various areas of disability and may provide essential information for revision or modification of the IEP or for determining need for further assessment.

	DATE		DATE	
1. INSTRUCTIONAL SERVICES (TEACHERS)				
	YES/NO		YES/NO	
a. **Review the student's current IEP and respond to the following questions.**				
1) Was present level of functioning accurately determined?				
2) Were annual goals written in a form that was understandable and appropriate?				
3) Did the short-term objectives define types of activities required to reach each goal?				
4) Was the Special Education/Regular Education placement suitable?				
5) Were the assessment tools appropriate to determine mastery of skills?				
6) Were the short-term objectives developmentally sequenced?				
7) Were related services appropriate?				
8) Was scheduling of services optimal?				
9) Were the instructional and other resources adequate to implement the IEP?				
10) Was there sufficient instructional time?				
11) Were instructional methods appropriate?				
12) Were there any intervening complications (i.e., medical, emotional, cognitive, social) which affected the student's success in the program? If so, describe briefly _____				
13) Did the student receive all services specified in the IEP?				
14) Is there a method for ensuring comprehensive reevaluation every three years?				
b. **Gather all post-test data and other diagnostic information that will determine progress achieved. Indicate whether the following procedures were utilized in determining progress.**				
1) Normed Referenced Tests				
2) Criterion Referenced Tests				
3) Informal Assessment				
4) Objective Observation				
5) Parent and Related Services Staff Observation				
6) Other Procedures (Specify)_____				

	DATE		DATE	
	YES/NO		YES/NO	
c. **Based on information in the above items, will the student need:**				
1) Further evaluation? (Specify) _____				
2) Continued special education placement in present setting?				
3) Placement in special education and related services in other settings? (Specify) _____				
4) Removal from special education?				
5) Revised IEP?				

d. **Briefly summarize your opinions concerning the following items.**

1) In what ways has the student developed most? _____

2) What frustrations has the student exhibited? _____

3) What teacher expectations have not been met? _____

4) What student expectations have been achieved or failed? _____

5) Are you generally pleased with the student's progress? If not, state reasons. _____

6) Was parent cooperation satisfactory? If not, explain. _____

	DATE		DATE	
	YES/NO		YES/NO	
2. RELATED SERVICES				
Answer the following questions regarding services provided by related services staff.				
a. Were related services adequate to meet the student's need? If not, explain. _____				
b. Were any major problems encountered in providing related services? Explain. _____				
c. Will the student require other related services not provided during the year? If so, describe. _____				
3. ADMINISTRATIVE SERVICES				
Review the student's IEP and Section I (Instructional Services); then respond to the following questions.				
a. Were all procedural due process requirements met in designing and implementing the IEP?				
b. Did personnel have appropriate training and competencies to implement their assigned responsibilities in the IEP?				
c. Was there appropriate coordination and communication between all implementers of the plan?				
d. Will the student's IEP require revision?				
e. Will the student's placement need to be changed?				
f. Was parent cooperation satisfactory? If not, explain. _____				
g. Is there a procedure to routinely insure the reevaluation of the student every three years? (This could be accomplished by color coding folders, noting reevaluation date by some means on the IEP folder, maintaining a calendar, tickler file, specific review of folders for reevaluation dates, etc.)				

4. PARENTAL REVIEW

Answer the following questions regarding your participation in the development and implementation of your child's IEP.

	DATE		DATE	
	YES/NO		YES/NO	
a. Has the school staff provided opportunities for you to be involved in the development and implementation of your child's IEP?				
b. Do you feel that your child's progress has been adequate? If no, explain. _____				
c. Give your opinion of your child's future special education and related services needs. _____				
d. Do you feel your child still needs special education and related services? _____				
e. Does your child's school have a method to ensure a reevaluation of his/her needs every three years? _____				

B. EXIT CRITERIA

According to the *Georgia State Program Plan* and *Rules of the Georgia Board of Education* (160-4-7), all students with disabilities 3 through 21 years of age shall be provided a free, appropriate public education.

EXAMPLE: Criteria for termination or reassignment from the program for students with mild intellectual disability are as follows.

- If it is determined by the special education IEP/placement committee through reevaluation that a student is no longer eligible for placement in a special education program.
- If the student transfers or withdraws from the local school system.
- If the student completes his/her planned program and is ready for graduation.

State administrative procedures require that school systems provide appropriate curriculum and assessment procedures to address disabilities which prevent students from meeting competency requirements for graduation.

For further information on due process or other procedural safeguards in effect in Georgia, refer to *Rules of the Georgia Board of Education* (160-4-7) and *Georgia's State Program Plan.* Copies of these documents are available in the office of local superintendents, directors of special education or regional Georgia Learning Resources System Centers.

Additionally, information on local system procedures is contained in the local system's Special Education Comprehensive Plan which is also available from local school superintendents or special education directors.

1. ADMINISTRATIVE REVIEW OF EXIT CRITERIA

Answer the following questions.

	DATE		DATE	
	YES/NO		YES/NO	
a. Was the student's special education placement appropriate to the disability?				
b. Has the student been transferred to another school system or agency?				
c. Has the student withdrawn from the program?				
d. Has the student completed the special education program?				
e. Is the student ready for graduation?				
f. Have distinctions been made in the treatment of this student upon graduation?				
g. Has the special education IEP/placement committee reviewed the student's IEP?				
h. Have annual goals and short-term objectives been met?				

C. CRITERIA FOR MASTERY

To determine criteria for mastery, the IEP/placement committee should consider the potential of the individual student and set realistic goals. A period of assessment and reevaluation of mastery should be completed as needed. Specific date(s) for anticipated mastery should be indicated.

The review portion of the evaluation process is one of the most important aspects for ensuring quality of the student's program. It is easy to meet minimum standards, but true management of the educational program is the desired goal. The following criteria statements could assist in establishing guidelines for ongoing review.

1. Student will be assessed monthly (quarterly, etc.) on instructional objectives prescribed/worked on during the month (quarter, etc.). The standards for mastery will be 80 percent of objectives as determined by teacher observation of student's performance.
2. Semi-annual (annual, etc.) case reviews will be conducted for student during which data will be presented by IEP service providers indicating his progress/mastery of annual goals.
3. Every 12 weeks (quarter, month, etc.), student will be given a teacher-developed inventory covering all objectives worked toward during the period.
4. Data will be recorded and compiled on student to indicate date and level of mastery of each prescribed short-term objective.
5. Using the checklist (inventory, tests, etc.) in the _____ curriculum (program, etc.), dates and level of mastery will be recorded for each objective at the time they are mastered by student.

D. THREE-YEAR REEVALUATION

State rules require that all students enrolled in special education programs be comprehensively reevaluated (educationally or psychologically) no later than three years after the last evaluation. This reevaluation may take place at any time within the three-year period or on request by any person having authority to make an initial referral.

State rules provide that the three-year reevaluation include **all types of educational and psychological assessments which were initially administered to the student.** Vision and hearing screenings are part of the initial procedure and should, therefore, be a part of the comprehensive reevaluation.

After carefully evaluating background information, the IEP/placement committee should consider the following.

1. Is the student's placement in the least restrictive environment?
2. Are the student's needs being met effectively and based on the IEP?
3. Is there a need for reevaluation prior to the three-year requirement?

The IEP/placement committee has the task of evaluating the above aspects as they relate to the student's total level of achievement, psychological assessment, class performance, peer/teacher relations, etc., in order to determine the next phase of IEP implementation.

DELIVERY MODELS FOR IEP SERVICES

Federal regulations require that, to the maximum extent appropriate, students with disabilities be educated with nondisabled peers in the least restrictive environment. It is imperative, therefore, that the IEP/placement committee makes a determination regarding where the student is to receive his or her education program. (This should be as near as appropriate to the regular education environment.) Separate education is to be undertaken in isolated settings only in instances where regular placement with the use of supplementary aids would not meet the student's needs.

Education in the least restrictive environment entails a consideration of various program options where the IEP may be carried out.

A. STATE REGULATIONS AND PROCEDURES

Special Education Regulations and Procedures include several program delivery models for implementing special education services. Each LSS should assure availability of a continuum of services, within its own resources or through regional or other arrangements, to meet the needs of any student with a disability. The local school system is required to provide services to students with disabilities in the least restrictive of various alternative placements. Some typical arrangements and brief descriptions are included below.

SERVICE DELIVERY MODELS

Delivery models.

(a) A continuum of delivery systems shall be made available to students identified as having a disability. These shall include resource program, self-contained program, psychoeducational program, special day-school program, multi-system program, hospital/homebound instruction, state-operated school and residential program.

(b) Resource program.

1. Students with mild disabilities may be enrolled in a regular classroom but also receive special instruction in a resource program.

(i) A resource program is defined as one in which the students are enrolled in the regular program while receiving special education services for three segments or less.

2. Resource programs may be organized in a categorical or interrelated format. Categorical resource programs are those in which students are grouped homogeneously according to disability category.

(i) The term interrelated refers to a combination program in which a teacher works with students who are identified as having mild learning disabilities, mild behavior disorders or mild intellectual disabilities. The student shall meet the appropriate eligibility criteria.

3. The delivery models of resource programs shall include, but not necessarily be limited to, the following.

(i) **Resource room** — a designated classroom to which the students come for instruction. The resource room model assumes that the resource teacher and the regular teacher cooperate in planning the student's total instructional program.

(ii) **Team or Collaborative model** — the resource teacher works with identified students and the regular teacher within the regular classroom setting.

(iii) **Itinerant model** — an itinerant special education program provides instructional programs to students at more than one site.

4. Related vocational instructional program (RVI).

(i) A related vocational instructional (RVI) program is defined as providing support services to secondary students with disabilities enrolled in reimbursable vocational education programs. The RVI teacher acts as a liaison to help the student with disabilities function within the regular vocational education program.

(c) Self-contained program.

1. Students who require a more structured program over a longer period of time may be enrolled in a self-contained program designated specifically for that disability.

2. A self-contained program is defined as one in which the students spend four or more segments in one area of special education.

3. In most cases, the chronological age range for self-contained special education classes should not exceed three years. When considering educational factors such as cognitive ability, adaptive behavior, expressive and receptive language ability, emotional functioning, gross motor skills, etc., it may not always be possible or appropriate to programmatically limit the age range in a self-contained class to a three-year span. However, every effort should be made to limit the chronological age range in classrooms to avoid interference with provision of appropriate special education and/or related services as prescribed in a student's individualized education program.

(d) Psychoeducational program.

1. Services for students with severe behavior disorders/severe emotional disturbance may be provided by a psychoeducational program. Programs are located on regular education campuses and/or in psychoeducational programs. The amount of time in the psychoeducational program shall be determined by the IEP/placement committee and should be specified in the IEP.

(e) Special day school program.

1. In instances where students are unable to function in a regular school setting, special day school programs may be provided.

(f) Multi-system program.

1. Special arrangements may be made among systems using any of the above described models. The multi-system program will be particularly applicable to low prevalence disabilities.

(g) Hospital/Homebound instruction program (H/H).

1. The hospital/homebound model is used for students with disabilities enrolled in a special education program who have a medically diagnosed physical condition that restricts them to their home or a hospital for a period of time that will significantly interfere with their education.

2. A medical referral form shall be completed and signed by a licensed physician. The physician shall project that the student will be absent a minimum of ten school days and is physically able to participate in educational instruction.

3. When eligibility is determined, the IEP/placement committee shall convene to review the IEP for any necessary changes and to recommend H/H services.

4. Students with disabilities are not eligible to be served if absence is due to any of the following.

(i) Communicable diseases, subject to Rule 160-1-3-.03 (Communicable Diseases) and provisions specified in other sections of Rules 160-4-7.

(ii) Emotional problems.

(iii) Cases of pregnancy not requiring abnormal restriction of activities as prescribed by a licensed physician.

(iv) Abuse of chemical substances where hospitalization is not required.

5. The student is counted present each day if served a minimum of three hours per week.

6. Instruction may be offered in home or hospital settings or through telecommunications devices, individually or in small groups. An adult shall be present during home instructional periods.

7. The responsibility for students hospitalized under the above criteria in facilities outside the local school system (LSS) lies with the student's LSS. The LSS may make appropriate arrangements for hospital instruction with the school system or appropriately certified teachers in the area in which the facility is physically located.

(h) State-operated schools.

1. Students presenting severe sensory impairments and/or multiple disabilities may be considered for education services at a state-operated school. Local school systems may refer these students for placement consideration.

(i) Residential program.

1. In instances when students cannot function educationally in any of the other described delivery models and residential related services are needed, such a program shall be provided.

2. Whenever a student is placed in an approved private school or private facility by an LSS, it shall be at no cost to the parent(s)/guardian(s). It is the responsibility of the LSS to make final arrangements for the total costs for special education, including room and board and related services as described in the IEP.

Facilities, equipment and materials

(a) Unless otherwise specified under program areas, the following guidelines should be followed.

1. The school system shall provide a classroom of suitable size in a distraction-free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual students to be served.

2. For a self-contained class, a standard-size classroom should be provided.

3. For a resource program, the room should be at least half a standard classroom or larger, depending upon the number of students being served at any one time, the kind and amount of furniture and equipment required and the necessity for storage capabilities.

4. For students with special physical needs, the classroom should be easily accessible to an outside entrance, the school cafeteria, library and office and should have its own restroom facilities or they should be readily accessible to the special classroom.

5. Instructional space for students with disabilities shall comply with state standards. Adequate storage and shelving should be provided. It is strongly recommended that mobile or portable classrooms be used only when regular education classes of similar chronological age are also housed within such classrooms.

6. New construction, renovation and consolidation of facilities should be undertaken only with the approval of the Georgia Department of Education, Facilities Section.

The appropriate service delivery model for each student is determined by and described in the student's IEP which is developed prior to placement in special education and reviewed at least annually.

B. RELATED SERVICES

1. **Occupational Therapy** (OT) includes improving, restoring, or developing functions to increase or maintain the ability to perform tasks for independent functioning when functions are impaired or lost and for preventing initial or further impairment. "In an educational setting, OT uses activity and adapted surroundings to facilitate the student's independent function and to decrease the effects of the disability on the student's ability to participate in the educational process: ADTA 1987."

2. **Physical Therapy** includes services provided by a qualified physical therapist. Physical therapy is a health profession which provides services to individuals that prevent or minimize disability, relieve pain, develop and improve sensory and motor function, control postural deviations, and establish and maintain maximum performance within the individual's capabilities.

Physical therapy services within the educational environment are directed toward the development and maintenance of the student's physical potential for independence in all education-related activities.

3. **Recreation** includes assessment of leisure functions, therapeutic recreation services, recreation programs in schools and community agencies and leisure education.

4. **Audiology** includes identification; determination of nature, range, and degree of hearing loss; referral for additional services; provision of habilitative and preventive services; determination of appropriate amplification and fitting and evaluation of amplification aids.

5. **Transportation** may include travel to, from and between schools; travel in and around school buildings and specialized equipment, if required.

6. **Mobility Training** includes determination of specific need and provision of services to increase independent travel in and around school buildings and the community.

7. **Psychological Services** includes administering and interpreting psychological and educational tests and assessments, obtaining and interpreting psychological and educational tests and assessments, obtaining and interpreting information on student behavior and conditions related to learning and consulting with other staff in planning programs as indicated by tests and assessments.

The previously mentioned services represent the more frequently indicated educational and related services in student individualized education programs. Others may include, but are not limited to, early identification, interpreting services, sign language, continuing education, counseling, medical services, school health services, social work services in school and parent training and counseling. Need for these services is determined by and described in the student's IEP, developed prior to placement in special education and reviewed at least annually.

V. QBE INTERAGENCY COORDINATION

A. DEVELOPING EFFECTIVE AGREEMENTS AND COMMUNICATION SYSTEMS BETWEEN AND AMONG AGENCIES

Cooperative agreements have been developed jointly by the Georgia Department of Education and other agencies serving students with disabilities to carry out the state objective of serving each school-aged and preschool (3-5) student in the least restrictive environment. The Department of Education has entered into cooperative agreements, both intra-and interagency. A review of existing state interagency agreements should provide valuable information regarding support services or resources at the state level. Local level agreements should be developed. Periodic meetings of agency representatives can provide the channel through which written agreements can be formulated. Key personnel in each agency can be identified for inclusion on placement committees, when appropriate.

B. QUESTIONS TO BE ANSWERED BY CASE MANAGERS REGARDING INTERAGENCY COORDINATION OF IEP

To assure consistency and coordination of the IEP, a "case manager" approach might be used. The person assigned this role should ask several questions regarding each individual case assigned.

1. What factors will be used to determine persons selected to attend the IEP/placement meeting?
   a. Which personnel will have a direct role in working with the student?
   b. Who will have responsibility for selecting personnel to be involved?
2. What is the most convenient location for the IEP/placement meeting?
   a. At the student's home, school?
   b. At the agency where services are to be rendered?
   c. Is the site convenient for the student's parents? To other IEP participants?
   d. What travel arrangements are available for parents and other participants?
3. To what extent will the student be able to participate in the school program or in other nonisolated settings?
4. Will staff with critical information and input be available to attend the IEP/placement meeting?
   a. Are they aware of the date, time, location, etc.?
   b. Do they understand the purpose of the meeting?
   c. Do all personnel understand the confidential nature of the meeting?
5. Has a recorder been assigned to take minutes at the IEP/placement meeting?
6. How will the group operate?
   a. What are the procedures for interaction?
   b. What is the role of each member within the group?
7. What records, reports, data, etc., need to be available to participants in the IEP/placement meeting?
   a. Cumulative records?
   b. Attendance data?
   c. Written reports from personnel who are unable to attend?
   d. Health and social history?
   e. Evaluative data, screening/testing information?
   f. Eligibility establishment recommendations?
   g. Criterion-referenced test data?
   h. Group test results?
   i. Parent input?
   j. Other information?
8. Do all participants know what an IEP is, and are they familiar with the major contents of an IEP?
9. What changes are needed in the academic, social and physical environment to address special needs of the student?
10. What programs or personnel can be of the greatest assistance in bringing about these needed changes?
11. What does the IEP/placement committee intend to accomplish at the end of the conference?
12. What will be the procedures for assuring that assigned tasks or recommendations are accomplished?
13. What records will be produced during the IEP/placement meeting and where are they to be maintained?
14. Is there a process for communicating recommendations from the meeting to those who are not in attendance but will have a role in executing the plan?

15. What arrangements have been made for periodic review of the IEP?

    a. Annual review?
    b. Interim assessments of progress?
    c. What evaluation and reporting procedures will be used?

16. If parents do not attend the meeting, what contacts have personnel made to get information from the parents?

C. SCHEDULING CONSIDERATIONS, MANAGING MEETINGS

The local school system is responsible for the education of all school-age students with disabilities and for providing or arranging for the provision of all special education and related services indicated in the IEP at no cost to the parents. Agency responsibility for the management of these meetings should be in accordance with applicable interagency agreements.

D. PARENT VISITS

To make an informed consent for placement, a parent may wish to visit the agency facilities. The arrangement for parent visits can be outlined in local interagency agreements or determined and noted in the minutes of the IEP/placement committee.

E. INFORMATION RELEASES, CONFIDENTIALITY

Interagency and Intra-agency Cooperative Agreements contain a section on confidentiality and release of information requests. This information should be included in the local agreement.

F. SUGGESTIONS TO BE CONSIDERED IN OBTAINING INVOLVEMENT OF OTHER AGENCIES

1. The chairperson of the IEP/placement committee should have a current listing of other agency personnel, including name of agency, name of contact person, address and telephone number.
2. Notification of IEP/placement committee meeting should be sent to representatives from agencies working with the student. If representatives are unable to attend, written input should be requested.
3. The chairperson should specify who or what agency is responsible for accomplishing or working on each goal and objective in the IEP.
4. A means for communication should be established for IEP review of non-LSS placements. Scheduled visits by parent(s) and the LSS can be included in IEP/placement committee minutes.
5. A copy of the IEP/placement committee minutes should be provided and the IEP sent to agencies working with the student, following appropriate confidentiality requirements.

ATTACHMENT I

PARENTAL RIGHTS

LOCAL SCHOOL SYSTEM INFORMATION

YOUR RIGHTS AS PARENTS — REGARDING SPECIAL EDUCATION

As a parent of a child who has been referred for special education services or who is already receiving special education benefits, you and your child have certain rights which are protected by state or federal law. We want you to know about these rights.

RECORDS:

1.) Right to inspect and review education records regarding identification, evaluation, educational placement, and provision of a free appropriate public education, without unnecessary delay, after parents' request and before any meeting regarding an IEP or hearing and, in no case, more than 45 days after request.
2.) Right to have a representative appointed by you to review the records.
3.) Right to request that the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.
4.) Right to have the agency presume that a parent has authority to inspect and review records of his or her child unless agency has been advised that parent does not have authority under state law.
5.) Right to inspect and review only the information relating to their child if any education record includes information on more than one child.
6.) Right to have the public agency keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
7.) Right to have the participating agency search for or retrieve information without charge.
8.) A parent may be charged a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.
9.) Right to be informed of all types and locations of records being collected, maintained or used by the agency.
10.) Right to ask for an explanation of any item in the records.
11.) Right to ask for an amendment of any record if it is inaccurate, misleading or violates the privacy or other rights of the child.
12.) Right to be informed of refusal and right to a hearing if the agency refuses to make the requested amendment.
13.) Right to have the agency decide whether to amend the information within a reasonable time after being asked to do so.
14.) Right to be informed if the agency decides in a hearing that the information is inaccurate, misleading or violative of the child's rights and the right to have the record amended.
15.) Right to be informed of the parents' right to place a statement in the record commenting on information or setting forth the parents' reasons for disagreeing with the agency decision if it is decided in a hearing that information need not be amended.
16.) Right to have the parents' explanation maintained in the record as long as the contested record is maintained.
17.) Right to have the parents' explanation disclosed if the contested record is disclosed.

CONFIDENTIALITY OF INFORMATION:

1.) Right to restrict access to your child's records by withholdin[illegible]sent to disclose records.
2.) Right to be notified and receive copies before information in your child's file is destroyed.
3.) Right to be told to whom information has been disclosed.
4.) Right to review and receive copies of all information sent to another agency where your child seeks or is eligible to enroll.

INDEPENDENT EVALUATION:

1.) Right to obtain an independent evaluation by a qualified examiner.
2.) Right to have the independent evaluation obtained at either public or private expense considered in either meetings where placement or program decisions are made or in a hearing regarding a free appropriate public education.
3.) Right to be told where an independent evaluation may be obtained at no expense or low expense.
4.) Right to an independent evaluation at public expense under the same criteria as those used by the public agency under which the evaluation is obtained, including the location of the evaluation if you disagree with the agency's evaluation, except that the public agency has the right to initiate a hearing regarding a free appropriate public education to show that its evaluation is appropriate.
5.) Right to an independent evaluation at public expense when the evaluation is requested by a hearing officer during a hearing. "Evaluation" means procedures used in accordance with §§ 300.530-300.534 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class. "Independent

educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. "Independent educational evaluation at public expense" means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

NOTICE:

1.) Right to be notified and present at all meetings before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation, placement or provision of a free appropriate public education.
2.) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public.
3.) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected.
4.) Right to be notified of each evaluation procedure, test, record or report the agency has used as a basis for any agency-proposed action or basis for refusal.
5.) Right to a description of any other factors which are relevant to the agency's proposed action or basis for refusal.
6.) Right to be present at all IEP meetings.
7.) Right to a notice that includes a full explanation of all the procedural safeguards available to the parents.
8.) Right of a parent, whose native language or other mode of communication is not a written language, to have the notice translated orally or by other means in his or her native language or other mode of communication; the right to understand the content of the notice; and the right to written evidence that these requirements have been met.

CONSENT:

1.) Right to give consent before a preplacement evaluation is conducted.
2.) Right to give consent before initial placement can be made in special education.
3.) Right to a description of the activity for which consent is requested including a list of records (if any) which will be released and to whom.
4.) Right to revoke consent at any time.
5.) Right of the agency to proceed, in the absence of consent, to a hearing to determine if your child should be evaluated or initially placed. Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. "Consent" means that: (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication; (b) The parent understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and (c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

HEARINGS:

1.) Right to request local mediation and/or an impartial due process hearing to question the agency's identification, evaluation or placement of your child or to question the agency's provision of a free appropriate public education.
2.) Right to be told of any free or low-cost legal and other relevant services available (e.g., an expert on disability conditions that may be a witness at the hearing when parent requests information or parent or agency initiates a hearing).
3.) Right to a hearing conducted by the state educational agency.
4.) Right to have the hearing chaired by a hearing officer who is not employed by a public agency involved in the education of your child or otherwise personally or professionally interested in the hearing (the hearing officer is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer).
5.) Right to a list of the persons who serve as hearing officers, including a statement of the qualifications of each of those persons.
6.) Right of parents or parties to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the disabled.
7.) Right to have your child present.
8.) Right to have the hearing open to the public.
9.) Right of parents or parties to present evidence and confront, cross-examine and compel the attendance of witnesses.
10.) Right of parents or parties to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing.
11.) Right of parents or parties to have a written or electronic verbatim record of the hearing.
12.) Right of parents or parties to obtain written findings of fact and a written decision within 45 days after the local education agency received the initial request for the hearing, except that the hearing officer may grant a specific extension of time at the request of either party.
13.) Right of parents or parties to a final decision made by the hearing officer, unless a party brings a civil action.

14.) Right to have a hearing or an appeal set at a time and place reasonably convenient to you and your child.
15.) Right of aggrieved parents or parties to appeal the decision of the hearing officer by bringing a civil action in state or federal court.
16.) Right to have your child remain in his or her present educational placement until completion of all hearing and appeal proceedings, unless you and the agency agree otherwise.
17.) Right to have child placed in the public school program until the completion of all the proceedings if the complaint involves an application for initial admission to the public school.
18.) Under the Disabled Children's Protection Act, P. L. 99-372 [20 U.S.C. 1415(e)(4)(B)], parents who prevail in a due process hearing or a court action may recover attorney's fees and costs as ordered by the court. Attorney's fees and costs in such cases cannot be awarded by regional or state hearing officers.

EVALUATION PROCEDURES:

1.) Right to have a full and individual evaluation of your child's educational needs.
2.) Right to have the evaluation made by a multidisciplinary team including at least one specialist with knowledge in the area of the suspected disability.
3.) Right to have your child assessed in all areas related to the suspected disability.
4.) Right to have appropriate tests administered by qualified examiners.
5.) Right to have more than one criterion used in determining the appropriate educational program for your child.
6.) Right to have the evaluation made in your child's native language or mode of communication.
7.) Right to have a reevaluation every three years.
8.) Right to have a reevaluation in less than three years if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1.) Right to have your child educated with non-disabled children to the maximum extent appropriate.
2.) Right to have your child remain in a regular education environment, unless a special class or separate school is needed. (Removing a child from a regular class environment should be done only when the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.)
3.) Right to have a continuum of alternative placements so that removal from the regular educational program can be the least restrictive situation.
4.) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement.
5.) Right to have placement in the school your child would attend if non-disabled, unless the child's individualized education program requires some other arrangement, and right to participate in non-academic and extracurricular services and activities such as meals, recess, counseling, athletics and special interest groups.

SURROGATE PARENTS:

Each public agency shall ensure that an individual is assigned to act as a surrogate for the parents of a child when no parent can be identified; the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or the child is a ward of the State under the laws of the State. The agency must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.

The public agency may select a surrogate parent in any way permitted under State law but must ensure that a person selected as a surrogate is not an employee of a public agency which is involved in the education or care of the child, has no interest that conflicts with the interest of the child he or she represents, and has knowledge and skills that ensure adequate representation of the child. (An individual is not disqualified as an agency employee from appointment as a surrogate solely because he or she is paid by the agency to serve as a surrogate parent.)

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child.

CONCLUSION:

As parents of a child with disabilities, you and your child have many rights; and with these rights, there are certain responsibilities. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. You also are urged to assist the school by attending Individualized Education Program conferences and by keeping the lines of communication open at all times. When you have concerns about your child's education, it is important to tell your school principal or coordinator of special education. If you need further assistance in talking to people in the school system, there are advocacy and/or parent groups from whom you may obtain help. Also, you may contact the Georgia Department of Education and/or the GLRS Direction Service (see below). First and foremost, however, you should talk to your child's teacher, principal, the special, education coordinator or other school administrators. Schools exist to help children grow and develop into capable adults, but schools need the help and cooperation of parents to accomplish their goals.

If you would like a further explanation of any of these rights, you may contact your local special education director, _____, or the Georgia Department of Education, Division for Exceptional Students, Suite 1952, Twin Towers East, 205 Butler Street, S.E., Atlanta, Georgia 30334-5060, 404-656-3963, or the GLRS Direction Service (1-800-282-7552).

As approved by Office of Special Education Programs, U. S. Department of Education, December 23, 1993.

Effective 2-14-94

ATTACHMENT II

SELF-STUDY

INDIVIDUALIZED EDUCATION PROGRAM/TOTAL SERVICE PLAN

SELF-STUDY

QUESTIONS/CONCERNS	YES	NO	COMMENT
1. Type of staffing? (Initial, Review)			
2. Date of this Total Service Plan Indicated?			
3. IDENTIFYING DATA ON STUDENT:			
a) Name?			
b) Grade level?			
c) Date of birth?			
d) School?			
e) Other as preferred?			
4. PRESENT LEVEL OF PERFORMANCE:			
a) Are summary statements given, rather than test scores only?			
b) Do comments reflect student's current strengths and weaknesses?			
c) If test scores are included, is it shown how they impact on the student's need for special education?			
d) Are comments made about all areas of concern to show why s/he needs special education?			
5. ANNUAL GOALS:			
a) Do Annual Goals show what might be expected this school year in special education for this student?			
b) Are they less broad than lifetime goals?			
c) Are goals realistic?			
d) Do annual goals specify specific expected educational outcomes?			
e) Are annual goals developed for each special education service provided?			
6. SHORT-TERM OBJECTIVES:			
a) Does each short-term objective (STO) have a measurable, observable verb in the stem?			
b) Does the STO describe what will be done by student, related to present level of performance?			
c) Are there at least two STOs for each Annual Goal?			
d) Do STOs suggest milestones toward the Annual Goal to be accomplished during this period of time?			
e) Are criteria for mastery and method of evaluation for each objective **realistic**?			
— and **individualized**?			
— and **based on present level of performance?**			
— and **filled in?**			
f) Is a variety of methods for evaluation of various objectives used?			
g) Is there an indication of how this IEP will be reviewed?			
— Mastery of each objective addressed?			
— Date of specific mastery of each objective filled in?			
7. RECOMMENDED SPECIAL EDUCATION AND RELATED SERVICES:			
a) Is program area preferably spelled out? (i.e., Learning Disabilities)			
b) If more than one exceptionality, is each named?			
c) Is Adapted PE; O.T.; P.T.; etc. named if needed?			
d) Special transportation arrangements?			
e) When will IEP begin (initiation date)?			
f) How many hours per week of each service?			
g) Duration — is it a school year or less, unless specified by placement committee?			

QUESTIONS/CONCERNS	YES	NO	COMMENT
8. REGULAR CLASS PLACEMENT: a) Are determinations made regarding Basic Skills Test, First Grade Readiness Assessment, graduation requirements, third grade promotion test, as appropriate? b) Are notes made concerning special needs (tests on tape, interpreters, etc.)? c) Are the hours per week in regular education indicated?			
9. COMMITTEE MEMBERS PRESENT: a) Are at least two LSS representatives shown, in addition to the parents?			

AD
April, 1990

ATTACHMENT III

GLOSSARIES

Many of the words found in the following glossaries are those used daily by various education personnel. Often, however, these words remain a mystery to both parents and professionals. Because understanding provides the foundation for effective communication, it is important that everyone involved in the IEP process recognize and understand the words and phrases being used.

- Glossary of Educational Terms ..... p. 51
- Parents' Glossary ..... p. 53

GLOSSARY OF EDUCATIONAL TERMS

This is a glossary of educational terms that relate to the Individualized Education Program. The definitions given are working definitions to help you understand the meaning of these words.

Academic Achievement
A description of what skills the student has learned.

Annual Goal
What a child can be reasonably expected to achieve within a 12-month period (school year). Annual goals should be individualized and written to address the student's present levels of educational performance.

Assistive Technology
Equipment items or devices which increase, maintain or improve functional capabilities of a student with a disability. Students with disabilities who require assistive technology in order to receive a free appropriate education are eligible for assistive devices and services as specified in their IEP.

Augmentative Alternative Communication (C)
Refers to specially designed assistive technology for meeting the needs of students with severely limited communicative abilities.

Classification
An arrangement according to some systematic division into groups. The term "special education classification" refers to (a) the primary area of disability of a student [i.e., "his classification is visual impairment"] and/or (b) students with disabilities being divided into groups according to their primary area of disability for data-collection purposes.

Consent
Written permission given by the parent, guardian, or surrogate parent to the local school system to (a) evaluate the student or (b) provide the service(s) indicated in the student's IEP.

Evaluation Criteria
A description of the procedures that are to be used in determining if the goals and objectives are being achieved.

Individualized Education Program (IEP)
An individualized written plan of instruction, required by federal law, which is prepared for each student with a disability and must include (a) the student's present level of performance/current level of functioning; (b) annual goals; (c) short-term instructional objectives; (d) specific services required for the student to be educated appropriately; (e) the extent of regular education programming/service; (f) dates when the service(s) will begin and the duration of the service(s); and (g) evaluation methods to be used to determine if the objectives are met. The IEP, developed through the cooperative effort of persons familiar with the educational needs of a student with disabilities and the student's parents/guardians, must be reviewed at least annually.

IEP/Placement Committee Meetings
Review the student's progress toward mastery of his/her goals/objectives and to develop an IEP for an agreed-upon period of time, not to exceed 12 months.

Instructional Strategies
Specific methods and materials that may be used in working with the student.

Intellectual Functioning
The ability to solve problems, comprehend and reason in both verbal and nonverbal areas.

Learning Style
A description of how the student learns most effectively.

Least Restrictive Environment (LRE)
An educational placement which allows the student with a disability to have as much involvement with regular education students as appropriate.

Mainstreaming
Involving the student in regular educational activities to the extent he or she is able to benefit.

Media
Any special equipment or aids needed to support the educational program developed for the child. It may include such items as computers, filmstrips, cassettes, records, films, etc.

Native Language
The language normally used by a person with a limited ability to speak or understand the English language.

Objective(s)
These are the measurable steps toward the annual goals.

Participants
Those individuals involved in the development of the Individualized Education Program.

Personal and Social Adjustment
The ability to assume personal and social responsibilities at a level commensurate with persons of similar age. It includes such areas as self concept and ability to get along with others.

Physical and Health Status
A description of the student's present physical condition and any medical factors which may influence his or her ability to learn.

Present Levels of Educational Performance
What the student is able to do based on individual assessment findings; how the student is functioning in educational and other settings.

Prevocational
A program designed to introduce students to various occupational opportunities.

Referral
The process of bringing an individual student to the attention of school officials to determine if the student is in need of special education services.

Related Services
Those educational services that are designed to assist the student to benefit from special education. Examples include transportation, occupational and physical therapy and mobility instruction.

Self-help Skills
Abilities related to feeding, dressing and other skills necessary for functioning in a family, school and community.

Special Education
Individually designed instructional services that meet the unique educational needs of an eligible student with a disability.

Transition Services
A coordinated set of activities for a student that promotes movement from school to post-school activities including employment, community experiences and daily living skills.

Vocational
Education training to prepare the student for an occupational skill for the world of work.

PARENTS' GLOSSARY

The following section is like a simple dictionary containing a list of terms used in specialized areas such as education, psychology and medicine. The short definition of these words included here will be helpful when reading reports, attending meetings or conferences and talking with specialists who work with your child.

Academic
Refers to subjects such as reading, writing, math, social studies, and science.

Achievement Test
A test that measures what a student has already learned.

Adaptive Behavior
Deficits in adaptive behavior are defined as significant limitations in maturation, learning, personal independence, social responsibility and especially school performance that is expected of the student's age level and cultural group, as determined by clinical judgment. Adaptive behavior measures are based on a variety of information sources such as parent and teacher interviews, clinical observations, case study information, standard and informal assessments.

Affective
Pertains to feelings or emotions.

Annual Goals
Specific and concrete statements of what skills a student should have at the end of a 12-month period. Goals tell **where** a student is going and **when** he or she is expected to get there.

Aptitude Test
A test which measures someone's capacity, capability or talent for learning something.

Assessment/Evaluation
Assessment encompasses all those functions in the testing and diagnostic process leading up to development of an appropriate, individualized educational program and placement for a student with disabilities. Assessment may include screening to identify students with disabilities, the observation, testing and diagnosis of those students to specifically identify each student's disability and the severity of that condition, and the definition of educational needs based on the disability and learning profile.

Assistive Device
Any supplementary aid, equipment, technology tool or communication device used as an adjunct to special education to support students with disabilities in special education programs.

Attention Span
The extent to which a person can concentrate on a single task. (Sometimes measured in length of time.)

Audiogram
A graph showing the range of hearing. Hearing sensitivity for air and bone conducted sounds may be shown on the graph.

Audiological
Related to the testing of hearing.

Audiological Exam
An assessment of a person's hearing ability.

Audiologist
A person who identifies and measures hearing loss and helps in the rehabilitation of those with hearing impairments.

Audiology
The study of hearing and hearing disorders.

Auditory Comprehension
The ability to understand what one hears.

Auditory Discrimination
The ability to detect subtle differences among sounds in words (tap-cap: cap-cop).

Auditory Memory
The ability to remember what is heard (words, numbers, stories). Includes both short and long term memory.

Auditory Perception
The ability to receive sounds accurately and to understand what they mean.

Augmentative Alternative Communication (AAC)
Refers to specially designed assistive technology for meeting the needs of students with severely limited communicative abilities.

Behavior Modification
A procedure that is based on the belief that all behavior is learned and therefore can be unlearned (changed). One must decide the specific behavior to be changed and decide on a definite plan for accomplishing that goal.

Behavioral Objectives
Objectives which are written to describe what a child will be able to do as a result of some planned instruction. **Behavioral** objectives are usually interpreted as objectives that can be measured in some definitive or quantitative way; e.g., "given a list of 10 three-letter words, Johnny will orally read eight of the 10 words correctly within 90 seconds."

Body Image
An awareness of one's own body and the relationship of the body parts to each other and to the outside world.

Carnegie Unit
That unit of credit required to meet Georgia's requirements for high school graduation. Students who graduate from any state-supported high school must earn a certain number of Carnegie units.

Cognitive
The act or process of knowing. Analytical or logical thinking.

Community-Based Instruction
Community-based delivery model.

Coordination, Fine Motor
Pertains to usage of small muscle groups (writing, cutting).

Coordination, Gross Motor
Pertains to usage of large muscle groups (jumping, running).

Coordination, Visual Motor
The ability to relate vision with movements of the body or parts of the body.

Clinical Observations
Opinions about, or interpretations of behavior, made by the person assessing the student, which are based on professional experience and expertise. The interpretations may relate to behaviors not tested directly during the assessment — such as fear of failure or desire to please.

Criterion Referenced Testing (CRT) (or measurements)
Measures which answer the question, "What can this student do?" not "How does this student perform compared to other students?" Individual performance is compared to an acceptable **standard** (criterion) — such as "can correctly name letters of alphabet" — not to the performance of others as in norm-referenced testing.

Deaf
The absence of enough measurable hearing in both ears without amplification to greatly impair the normal development of speech, language, auditory skills and academic achievement.

Deaf-Blind
Hearing and vision impairments which result in severe communication and educational problems.

Decoding
Ability to change sounds or symbols into ideas.

Developmental
Successive changes during the process of natural growth.

Diagnosis
The process of identifying the nature, cause or extent of a condition or response — a term which comes to education from the field of medicine.

Directionality
Awareness of the two sides of the body and the ability to identify them as left and right and to project this correctly into the outside world, as in knowing which is the right hand of a person facing you.

Eligibility
To qualify for special education services each student must meet eligibility requirements for at least one area of disability. Designated personnel will review assessment data and other information to determine the student's program eligibility.

Encoding
Changing ideas into words or written symbols.

Evaluation, Medical
Examination and diagnosis by a physician.

Evaluation, Psychological
An assessment to determine the level of functioning through the use of group and/or individual tests. The tests determine the level of functioning in three areas.

1. Cognitive — How much one knows in certain areas, how one thinks.
2. Affective — Pertains to feelings or emotions.
3. Perceptual-Motor Control — Coordination and appropriate responses from all parts of the body.

Recommendations for treatment or placement, when indicated, are made as a result of the evaluation.

Expressive Language Skills
Skills required to produce language for communicating with other people. Speaking and writing are expressive language skills.

Eye-Motor Coordination
The ability to relate vision with movements of the body or parts of the body.

FAPE — Free Appropriate Public Education
Every child with a disability age 3-21 is entitled to an education which meets his or her individual needs, whether it be in a public school setting or in other prescribed settings, if a public program is not appropriate. Infants and toddlers birth through two years of age are served primarily by the Georgia Department of Human Resources.

Fine-Motor Coordination
Development and control of small muscles such as those used to cut, hold a pencil, etc.

Formal Assessment
Using published, standardized tests, usually for measuring characteristics such as intelligence or achievement, rather than skills such as tying shoes, following directions. Tests which have a standard set of directions for their use and interpretation.

Georgia Parent Initiative Project (G-PIP)
A special training program disseminated by the Georgia Department of Education designed to strengthen communication and promote partnerships between parents of students with disabilities and school personnel.

Grade Equivalent
The score a student obtains on an achievement test, translated into a standard score which allows the individual student's score to be compared to the typical score for students on his or her grade level. A grade equivalent score of 6.0 means the score that the average beginning sixth grader makes; a grade equivalent score of 6.3 means the score that the average student who has been in sixth grade for three months makes.

Gross Motor Coordination
The development and awareness of large muscle activity. Coordination of large muscles in a purposeful manner such as walking and jumping.

1. Bilateral — ability to move both sides of the body at the same time (jumping).
2. Unilateral — ability to move one side of the body without moving the other (hopping).
3. Cross Lateral (Cross-Pattern) — ability to move different parts of the opposite sides of the body together or in different sequences (e.g., skipping which is a highly integrated movement).

Hard of Hearing
The absence of enough measurable hearing in both ears without amplification to limit the normal development of speech, language, auditory skills and academic achievement. A hard-of-hearing student is one who exhibits a pure tone average range of 30-65 db. ANSI (American National Standards Institute).

Individualized Education Program (IEP)
A written statement, developed by the IEP/Placement Committee (school administrator, student's teacher(s) and parent(s)) translating student evaluation information into a practical plan for instruction and delivery of services. According to The Individuals with Disabilities Education Act (IDEA), the content of the IEP, related to a particular student with disabilities must include:

1. Present levels of educational performance
2. Annual goals and short-term objectives
3. Specific educational services to be provided
4. Extent to which the child will participate in the regular classroom
5. Projected date for initiation and duration of services
6. Objective criteria and evaluation procedures
7. Schedule and procedures for review (must be at least annually)
8. Transition services

Individual Implementation Plan (IPP)
An Individual Program Plan provided when a disabled student is enrolled in a state facility operated by the Department of Human Resources.

Informal Assessment
Using procedures such as classroom observations, interviewing or teacher-made tests which have not usually been tried out with large groups of people, and which do not necessarily have a standard set of instructions for their use and interpretation.

Intelligence Test
A standardized series of questions and/or tasks designed to measure mental abilities — how a person thinks, reasons, solves problems, remembers, learns new information. Many intelligence tests rely heavily on the use or understanding of spoken language.

Some intelligence tests are designed to be given to one person at a time; these are called **INDIVIDUAL INTELLIGENCE TESTS;** others may be given to several persons at once and are called **GROUP INTELLIGENCE TESTS.** Both types of intelligence tests are given under controlled conditions involving standard instructions and time limits.

Intelligence Quotient (I.Q.)
The score obtained on a test of mental ability; it is usually found by relating a person's test score to his or her age.

Language, Expressive
Speaking and writing.

Language, Receptive
Listening and reading.

Long Range Goals
Global and general aim statements which describe **what** needs to be learned by the student within a 12-month period.

Least Restrictive Environment (LRE)
The concept that each student with a disability is to be placed in a learning environment that most closely approximates the learning environment of his or her peers and provides for appropriate educational opportunities for the student with disabilities.

LSS — Local School System

Modality
A way of acquiring sensation; visual, auditory, tactile, kinesthetic, olfactory and gustatory are the common sense modalities.

Motor Perceptual Tests
Tests of eye and hand coordination.

Multihandicapped or Multiple Disabilities
Students with a combination of disabilities (such as intellectual disabilities and deafness) which cause severe educational problems. Deaf-blind is not included in this category.

Neurological Examination
Tests to determine disease of, or damage to, the nervous system.

Nondiscriminatory Assessment
Assessment tools and methods which are fair to the student in the sense that they are given in his or her native language; given and interpreted with reference to the student's age, socioeconomic and cultural background; given by trained persons, appropriate, even if the student has a physical, mental, speech or sensory disability.

Because some tests used in schools often **do** discriminate against certain students (e.g., by asking questions that relate to the experience of white, middle-class, English-speaking persons), the term **CULTURALLY APPROPRIATE ASSESSMENT** has come into use to emphasize that assessment must be fair to students of other language and cultural backgrounds.

Norms
Information, provided by the testmaker, about normal or typical performance on the test. Individual test scores can be compared to the typical score made by other persons in the same age group or grade level.

Occupational Therapist
A related services professional who is trained in helping patients develop mental and physical well-being in all areas of daily living, e.g., self-care, prevocational skills, etc.

Occupational Therapy (O.T.)
Treatment provided by a professional trained in helping the student develop mental as well as physical well-being in all areas of daily life, e.g., self-care, prevocational skills, etc. The professional involves the student in active participation of the treatment process to help speed up the recovery and rehabilitation process.

Operations
Processes involved in thinking:

1. Cognition — Comprehension or understanding
2. Memory — Retention and recall of information
3. Convergent Thinking — Bringing together of known facts
4. Divergent Thinking — Use of knowledge in new ways. Creative Thinking.
5. Evaluation — Critical Thinking

Orthopedically Impaired (OI)
Students with physical impairments resulting from disease (such as polio), conditions such as cerebral palsy, or from amputations or birth defects which are so severe as to interfere with their educational performance.

Other Health Impaired (OHI)
Students who have persistent medical or health problems such as heart conditions, epilepsy, diabetes, etc., which adversely affect their educational performance.

Percentile
A point on the test score scale used to divide a group into sections. For example, the 75th percentile point separates the top quarter from the rest of the group.

Percentile Rank
A number between 0 and 100, that indicates what percentage of individuals in a group got scores **below or above** a certain score. A percentile rank of 78 says that the person scored **higher** than 78 percent of the group and **lower** than the other 22 percent. Percentile rank should not be confused with percentage score on the test.

Perception
The process of interpreting sensory information. The accurate mental association of present stimuli with memories of past experiences.

Perceptual — Motor Test
A test that requires the person to use his or her skill in receiving and interpreting sensory information in responding to tasks that require actions such as drawing a line between two given lines, copying a circle, etc.

Perseveration
Continuing to behave or respond in a certain way when it is no longer appropriate. Difficulty in shifting from one task to another.

Personality Test (or Inventory)
A test which measures characteristics such as emotional control, honesty, attitudes, etc., rather than intellectual ability or academic achievement.

Phonetics
The study of speech sounds in the language and how these sounds are produced.

Phonics
Use of phonetics in the teaching of reading. Relating the sound (phoneme) of the language with the equivalent written symbol.

Physical Therapist
A related services professional who is trained in applying treatment to bones, joints, muscles and nerves.

Physical Therapy
Treatment of disorders of bones, joints, muscles and nerves. With the prescription of a physician, the therapist applies treatment to the student in the form of heat, light, massage and exercise.

Placement Minutes
A written record of actions taken at the IEP/Placement meeting.

Precision Testing
Usually refers to informal, teacher-made measures of student skills (e.g., reads orally at a rate of 10 words per minute; completes five math problems in five minutes). Used to plan instruction which will help the student increase the rate and accuracy of performance.

Prescriptive Test
A skill test (such as a reading or spelling test) which is used to study the kinds of errors the student makes, and to plan or prescribe instruction to help the student improve performance.

Projective Test
A test in which the student is asked to respond freely and openly to questions or pictures which have no correct answers. The assumption is that the student projects himself or herself, feelings and needs, as he or she responds. These tests are used to measure personality characteristics.

Psychoeducational Program
A statewide network which provides services to severely emotionally disturbed students and preschoolers with disabilities.

Psychomotor
Refers to muscle responses including development of fine-motor, small muscles (cutting, writing, etc.) and large muscles (walking, jumping).

Quality Basic Education (QBE)
Georgia's educational reform law, enacted in 1986.

Reading Comprehension
The ability to understand what one has read.

Regional Educational Service Agency (RESA)
A program which provides shared educational and related services across school system lines. Each RESA has a specific service area.

Receptive Language
Receiving and understanding spoken or written communication. The receptive language skills are listening and reading.

Related Services
Services, provided by specialists, that are normally provided in regular and special class programs designed to assist a student in benefiting from special education. These services may include, but should not be limited to:

Occupational and Physical therapy
Audiological services
Aural rehabilitation
Mobility instruction
Recreational therapy
Music therapy
Clean Intermittent Catheterization (CIC)
Transportation
Interpreting (sign language, cued speech, oral)
Counseling and guidance, behavior management

Reliability
The extent to which a test provides precise or accurate measures.

Resource Program
One in which a student with disabilities spends less than one half of the school day in the regular education program while receiving special education services as needed.

Scaled Scores
The translation of raw scores (total points earned on a test) into a score which has similar meaning across age levels. If a scale from 0 to 20 is used, then a scaled score of 10 is an average score, regardless of whether it was obtained by a five-year old or a 15-year old.

School Psychologist
A person trained to give psychological tests, interpret results and suggest appropriate educational approaches to learning or behavioral problems.

Sensory-Integrative Therapy
Training designed to help the student integrate and organize information obtained from the various senses (such as vision and hearing) in order to perform a complex response like reading.

Self-concept
A person's idea of self.

Self-help
Refers to feeding, dressing and other activities necessary to functioning in a family, in school and in the community.

Service Provider
Refers to any person or agency providing some type of service to children and/or their families.

Severely Emotionally Disturbed (SED)
This term is used to describe students who display one or more of the following characteristics over a long period of time.

a) Inability to learn which cannot be explained by ability, health, vision or hearing deficits
b) Problems relating to other children and adults
c) Inappropriate behaviors or feelings (e.g., extreme anger reactions)
d) Severe depression or unhappiness
e) Tendency to develop physical symptoms or fears about personal or school problems

Short-term Objectives
A series of intermediate steps that will take the student from where he or she is now to accomplishing an annual goal.

Social
Includes self-concept or a person's idea of self, includes ability to relate to peers and adults.

Social Acceptance
The ability to get along with one's peers.

Social Maturity
The ability to assume personal and social responsibility expected of persons of similar age.

Special Education and Related Services
Special Education refers to a set of educational programs and/or services specially designed to meet the unique needs of individuals with disabilities whose needs cannot be met in the regular classroom.

Related Services means transportation, physical and occupational therapy and other services designed to assist the student to benefit from special education.

Specific Learning Disability (SLD or LD)
This term refers to problems in academic functioning, such as writing, spelling, math, reading, which cannot be explained by ability, vision, hearing or health impairments.

Speech Language Pathologist
Persons trained to provide analysis, diagnosis and therapy for speech and language disorders.

Standard Deviation
Tells how much a score deviates or varies from the mean score for the group. In a group of scores, the greatest number of scores will usually be close to the mean or average score. The numerical value of a standard deviation unit is different from test to test, but scores which are more than one standard deviation unit above or below the mean occur less often.

Standardized Achievement Test
A series of questions designed to measure facts and information a student has learned in school. Some achievement tests are given to one person at a time and are called INDIVIDUAL ACHIEVEMENT TESTS; others (GROUP TESTS) may be given to several persons at once. All standardized tests have sets of instructions which the person giving the test must follow exactly.

Stanines
The stanine scale is a nine-step standard scale, with the mean set at five, used to convert raw scores into meaningful one-digit scores. The approximate percentage of students whose scores would be expected to be at each step is

Step 9:	4 percent	(Highest)
Step 8:	7 percent	
Step 7:	12 percent	
Step 6:	17 percent	
Step 5:	20 percent	
Step 4:	17 percent	
Step 3:	12 percent	
Step 2:	7 percent	
Step 1:	4 percent	(Lowest)

Scores which are usually considered as average or typical would fall within Steps 4 through 6.

Symbolization
The process in which spoken or written symbols take on meaning, that is, are understood by the individual and in turn are used for verbal or written expression.

Student Support Team (SST)
A state-required special education pre-referral process which provides for use of alternative instructional strategies prior to special education referral.

Tactile
Sense of touch.

Test of Auditory Perception
A test that tells how well a youngster perceives or hears specific sounds.

Test of Social Maturity
Measures how well the person looks after everyday needs (eating, dressing, etc.), and takes responsibility (goes to the store, does chores, etc.), as compared to other persons in the same age group.

Validity
The extent to which a test really measures what it is intended to measure.

Visual Discrimination
Using the eyes to discriminate letters and words.

Visual Perception
The identification, organization and interpretation of data received through the eye.

Visual-Perception Test
A test that requires the person to identify, organize and interpret information received through the eyes — e.g., find a simple shape hidden in a complex picture.

Visually Impaired
Students who are blind or partially sighted and who, as a result, experience lowered educational performance.

Vocational Aptitude (or Interest) Test
A test designed to give an indication of a person's potential to succeed in particular jobs or careers. The test is usually a questionnaire which asks the individual to describe personal characteristics. It is like a written interview.

Vocational Inventory
A Vocational Aptitude (or Interest) Test.

Word Attack Skills
The ability to analyze words.

ATTACHMENT IV

OSE POLICY PAPER

The enclosed paper represents Special Education Program's (formerly Office of Special Education) policy interpretations regarding IEP requirements. This document delineates the federal regulations relating to the IEP process. This document is used as criteria for monitoring IEPs within Georgia. This information provides the legislative basis for IEP requirements and should add to IEP participants' clarification and comprehension of the total IEP process.

§ 1401(19). ["Individualized education program"]

LAW

(19) The term "individualized education program" means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

The following regulations and interpretations are intended to provide a comprehensive clarification of IEP requirements, to pose and answer some of the most frequently asked questions about those provisions, and to provide technical assistance. The clarifications and interpretations are legally binding and will be followed by the Department of Education in providing advice and in determining whether affected agencies are in compliance with the Act and regulations. Also included are non-binding suggestions and guidance on how to carry out the various legally binding requirements.

The legally binding requirements in the interpretation are identified by such mandatory language as "must," "the IEP would have to be revised," or "labels may not be used," and are reproduced in bold face type. The non-binding suggestions and guidance are stated in such non-mandatory langauge as "the agency should" or "it is expected that."

Notice of the Interpretation was published in 46 Federal Register 5460 (January 19, 1981).

INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

Interpretation of Requirements Under Part B
of the Education of the Handicapped Act
As amended by P.L. 94-142
Effective March 30, 1981, 46 Federal Register ____

Purpose of the IEP

There are two main parts of the IEP requirement, as described in the Act and regulations: (1) the IEP meeting(s), at which parents and school personnel jointly make decisions about a handicapped child's educational program, and (2) the IEP document itself, which is a written record of the decisions reached at the meeting. The overall IEP requirement, comprised of these two parts, has a number of purposes and functions:

a. The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide what the child's needs are, what services will be provided to meet those needs, and what the anticipated outcomes may be.
b. The IEP process provides an opportunity for resolving any differences between the parents and the agency concerning a handicapped child's special education needs: first, through the IEP meeting, and second, if necessary, through the procedural protections that are available to the parents.
c. The IEP sets forth in writing a commitment of resources necessary to enable a handicapped child to receive needed special education and related services.
d. The IEP is a management tool that is used to ensure that each handicapped child is provided special education and related services appropriate to the child's special learning needs.
e. The IEP is a compliance/monitoring document which may be used by authorized monitoring personnel from each governmental level to determine whether a handicapped child is actually receiving the free appropriate public education agreed to by the parents and the school.
f. The IEP serves as an evaluation device for use in determining the extent of the child's progress toward meeting the projected outcomes. (NOTE: The Act does not require that teachers or other school personnel be held accountable if a handicapped child does not achieve the goals and objectives set forth in the IEP. *See* Reg. 300.349, *Individualized education program—accountability.*)

REGULATIONS

Individualized Education Programs

Reg. 300.340 Definition.

As used in this part, the term "individualized educational program" means a written statement for a handicapped child that is developed and implemented in accordance with Regs. 300.341-300.349.

(20 U.S.C. 1401(19).)

Reg. 300.341 State educational agency responsibility.

(a) *Public agencies.* The State educational agency shall insure that each public agency develops and implements an individualized education program for each of its handicapped children.

(b) *Private schools and facilities.* The State educational agency shall insure that an individualized education program is developed and implemented for each handicapped child who:

(1) Is placed in or referred to a private school or facility by a public agency; or

(2) Is enrolled in a parochial or other private school and receives special education or related services from a public agency.

(20 U.S.C. 1412(4), (6): 1413(a)(4).)

Comment. This section applies to all public agencies, including other State agencies (*e.g.*, departments of mental health and welfare), which provide special education to a handicapped child either directly, by contract or through other arrangements. Thus, if a State welfare agency contracts with a private school or facility to provide special education to a handicapped child, that agency would be responsible for insuring that an individualized education program is developed for the child.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

1. *Who is responsible for ensuring the development of IEPs for handicapped children served by a public agency other than an LEA?*

The answer will vary from State to State, depending upon State law, policy, or practice. In each State, however, the SEA is ultimately responsible for ensuring that each agency in the State is in compliance with the IEP requirements and the other provisions of the Act and regulations. (*See* Reg. 300.600 regarding SEA responsibility for all education programs.)

The SEA must ensure that every handicapped child in the State has available a free appropriate public education (FAPE), regardless of which agency, State or local, is responsible for the child. While the SEA has flexibility in deciding the best means to meet this obligation (*e.g.*, through interagency agreements), there can be no failure to provide FAPE due to jurisdictional disputes among agencies. (NOTE: Reg. 300.2(b) states that the requirements of the Act and regulations apply to all political subdivisions of the State that are involved in the education of handicapped children, including (1) the SEA, (2) LEAs, (3) other State agencies (such as Departments of Mental Health and Welfare, and State schools for the deaf or blind), and (4) State correctional facilities.)

The following paragraphs outline (1) some of the SEA's responsibilities for developing policies or agreements under a variety of interagency situations, and (2) some of the responsibilities of an LEA when it initiates the placement of a handicapped child in a school or program operated by another State agency:

a. *SEA Policies or Interagency Agreements.* The SEA, through its written policies or agreements, must ensure that IEPs are properly written and implemented for all handicapped children in the State. This applies to each interagency situation that exists in the State, including any of the following: (1) when an LEA initiates the placement of a child in a school or program operated by another State agency (*see* "LEA-Initiated Placements" in paragraph "b," below); (2) when a State or local agency other than the SEA or LEA places a child in a residential facility or other program; (3) when parents initiate placements in public institutions; and (4) when the courts make placements in correctional facilities. (NOTE: This is not an exhaustive list. The SEA's policies must cover any other interagency situation that is applicable in the State, including placements that are made for both educational and for noneducational purposes.)

Frequently, more than one agency is involved in developing or implementing a handicapped child's IEP (*e.g.*, when the LEA remains responsible for the child, even though another public agency provides the special education and related services, or when there are shared cost arrangements). It is important that SEA policies or agreements define the role of each agency involved in the situations described above, in order to resolve any jurisdictional problems that could delay the provision of a free appropriate public education to a handi-

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

capped child. For example, if a child is placed in a residential facility, any one or all of the following agencies might be involved in the development and or implementation of the child's IEP: the child's LEA, the SEA, another State agency, an institution or school under that agency, and the LEA where the institution is located.

NOTE: The SEA must also ensure that any agency involved in the education of a handicapped child is in compliance with the "least restrictive environment" provisions of the Act and regulations, and, specifically, with the requirement that each handicapped child's placement (1) be determined at least annually, (2) be based on the child's IEP, and (3) be as close as possible to the child's home (Reg. 300.552(a). *Placements.*)

b. *LEA-Initiated Placements.* When an LEA is responsible for the education of a handicapped child, the LEA is also responsible for developing the child's IEP. The LEA has this responsibility even if development of the IEP results in placement in a State-operated school or program. (NOTE: The IEP must be developed before the child is placed. *See* Question 5, below.) When placement in a State-operated school is necessary, the affected State agency or agencies must be involved by the LEA in the development of the IEP. (*See* response to Question 59, below, regarding participation of a private school representative at the IEP meeting.)

After the child enters the State school, meetings to review or revise the child's IEP could be conducted by either the LEA or the State school, depending upon State law, policy, or practice. However, both agencies should be involved in any decisions made about the child's IEP (either by attending the IEP meetings, or through correspondence or telephone calls). There must be a clear decision, based on State law, as to whether responsibility for the child's education is transferred to the State school or remains with the LEA, since this decision determines which agency is responsible for reviewing or revising the child's IEP.

2. *For a child placed out of State by a public agency, is the placing or receiving State responsible for the child's IEP?*

The "placing" State is responsible for developing the child's IEP and ensuring that it is implemented. The determination of the specific agency in the placing State that is responsible for the child's IEP would be based on State law, policy, or practice. However, as indicated in Question 1, above, the SEA in the placing State is responsible for ensuring that the child has available a free appropriate public education. (NOTE: The Department is considering the possibility of publishing a separate document on out-of-State placements. That paper would address the responsibilities of the placing and receiving States under both EHA-B and Section 504 of the Rehabilitation Act of 1973.)

REGULATIONS

Reg. 300.342 When individualized education programs must be in effect.

(a) On October 1, 1977, and at the beginning of each school year thereafter, each public agency shall have in effect an individualized education program for every handicapped child who is receiving special education from that agency.

(b) An individualized education program must:

(1) Be in effect before special education and related services are provided to a child; and

(2) Be implemented as soon as possible following the meetings under Reg. 300.343.

(20 U.S.C. 1412(2)(B), (4), (6): 1414(a)(5): Pub. L. 94-142. Sec. K(c) (1975).)

Comment. Under paragraph (b)(2), it is expected that a handicapped child's individualized education program (IEP) will be implemented immediately following the meetings under Reg. 300.343. An exception to this would be (1) when the meetings occur during the summer or a vacation period, or (2) where there are circumstances which require a short delay (*e.g.*, working out transportation arrangements). However, there can be no undue delay in providing special education and related services to the child.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

3. *In requiring that an IEP be in effect before special education and related services are provided, what does "be in effect" mean?*

As used in the regulations, the term "be in effect" means that the IEP (1) has been developed properly (*i.e.*, at a meeting(s) involving all of the participants specified in the Act (parent, teacher, agency representative, and, where appropriate, the child)); (2) is regarded by both the parents and agency as appropriate in terms of the child's needs, specified goals and objectives, and the services to be provided; and (3) will be implemented as written.

4. *How much of a delay is permissible between the time a handicapped child's IEP is finalized and when special education is provided?*

In general, no delay is permissible. It is expected that the special education and related services set out in a child's IEP will be provided by the agency beginning immediately after the IEP is finalized. The comment following Reg. 300.342 identifies some exceptions (1) when the meetings occur during the summer or other vacation period, or (2) when there are circumstances which require a short delay, such as working out transportation arrangements). However, unless otherwise specified in the IEP, the IEP services must be provided as soon as possible following the meeting. (NOTE: Reg. 300.346(d) requires that the IEP include the "projected dates for initiation of services".)

5. *For a handicapped child receiving special education for the first time, when must an IEP be developed — before placement or after placement?*

An IEP must "be in effect *before* special education and related services are provided to a child." (Reg. 300.342(b)(1), emphasis added.) The appropriate placement for a given handicapped child cannot be determined until after decisions have been made about what the child's needs are and what will be provided. Since these decisions are made at the IEP meeting, it would not be permissible to first place the child and then develop the IEP. Therefore, the IEP must be developed before placement.

The above requirement does not preclude temporarily placing an eligible handicapped child in a program as part of the evaluation process — before the IEP is finalized — to aid in determining the most appropriate placement for the child. It is essential that the temporary placement not become the final placement before the IEP is finalized. In order to ensure that this does not happen, the State might consider requiring LEAs to take the following actions:

a. Develop an "interim" IEP for the child, which sets out the specific conditions and timelines for the trial placement. (*See* paragraph "c", below.)
b. Ensure that the parents agree to the interim placement before it is carried out, and that they are involved throughout the process of developing, reviewing, and revising the child's IEP.
c. Set a specific timeline (*e.g.*, 30 days) for completing the evaluation and making judgments about the most appropriate placement for the child.
d. Conduct an IEP meeting at the end of the trial period in order to finalize the child's IEP.

NOTE: Once a handicapped child's IEP is in effect and the child is placed in a special education program, the teacher might develop detailed lesson plans or objectives *based* on the IEP. However, these lesson plans and objectives are not required to be a part of the IEP itself. (*See* Questions 37-43, below, regarding IEP goals and objectives.)

6. *If a handicapped child has been receiving special education in one LEA and moves to another community, must the new LEA hold an IEP meeting before the child is placed in a special education program?*

It would not be necessary for the new LEA to conduct an IEP meeting if: (1) A copy of the child's current IEP is available; (2) the parents indicate that they are satisfied with the current IEP; and (3) the new LEA determines that the current IEP is appropriate and can be implemented as written.

If the child's current IEP is not available, or if either the LEA or the parent believes that it is not appropriate, an IEP meeting would have to be conducted. This meeting should take place within a short time after the child enrolls in the new LEA (normally, within one week). (NOTE: The child must be placed in a special education program immediately after the IEP is finalized. *See* Question 4, above.)

If the LEA or the parents believe that additional information is needed (*e.g.*, the school records from the former LEA) or that a new evaluation is necessary before a final placement decision can be made, it would be permissible to temporarily place the child in an interim program before the IEP is finalized. (*See* Question 5, above.)

© 1981 CRR Publishing Company, Washington, D.C. 20005

REGULATIONS

Reg. 300.343 Meetings.

(a) *General.* Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising a handicapped child's individualized education program.

(b) *Handicapped children currently served.* If the public agency has determined that a handicapped child will receive special education during school year 1977-1978, a meeting must be held early enough to insure that an individualized education program is developed by October 1, 1977.

(c) *Other handicapped children.* For a handicapped child who is not included under paragraph (b) of this action, a meeting must be held within thirty calendar days of a determination that the child needs special education and related services.

(d) *Review.* Each public agency shall initiate and conduct meetings to periodically review each child's individualized education program and if appropriate, revise its provisions. A meeting must be held for this purpose at least once a year.

(20 U.S.C. 1412(2)(B). (4). (6). 1414(a)(5).)

Comment. The dates on which agencies must have individualized education programs (IEPs) in effect are specified in Reg. 300.342 (October 1, 1977, and the beginning of each school year thereafter). However, except for new handicapped children (*i.e.*, those evaluated and determined to need special education after October 1, 1977), the timing of meetings to develop, review, and revise IEPs is left to the discretion of each agency.

In order to have IEPs in effect by the dates in Reg. 300.342, agencies could hold meetings at the end of the school year or during the summer preceding those dates. In meeting the October 1, 1977 timeline, meetings could be conducted up through the October 1 date. Thereafter, meetings may be held any time throughout the year, as long as IEPs are in effect at the beginning of each school year.

The statute requires agencies to hold a meeting at least once each year in order to review, and if appropriate revise, each child's IEP. The timing of those meetings could be on the anniversary date of the last IEP meeting on the child, but this is left to the discretion of the agency.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

7. *What is the purpose of the 30 day timeline in Reg. 300.343(c)?*

The 30 day timeline in Reg. 300.343(c) ensures that there will not be a significant delay between the time a child is evaluated and when the child begins to receive special education. Once it is determined — through the evaluation — that a child is handicapped, the public agency has *up to* 30 days to hold an IEP meeting. (NOTE: *See* Questions 4 and 5, above, regarding finalization of the IEP and placement of the child.)

8. *Must the agency hold a separate meeting to determine a child's eligibility for special education and related services, or can this step be combined with the IEP meeting?*

Paragraph (e) of Reg. 300.532 (*Evaluation procedures*) provides that the evaluation of each handicapped child must be "made by a multidisciplinary team or group of persons . . . ." The decisions regarding (1) whether the team members actually meet together, and (2) whether such meetings are separate from the IEP meeting, are matters that are left to the discretion of State or local agencies.

In practice, some agencies hold separate eligibility meetings with the multidisciplinary team before the IEP meeting. (NOTE: When separate meetings are conducted, placement decisions would be made at the IEP meeting. However, placement options could be discussed at the eligibility meeting.) Other agencies combine the two steps into one. If a combined meeting is conducted, the public agency must include the parents as participants at the meeting. (*See* Reg. 300.345 for requirements on parent participation.)

NOTE: If, at a separate eligibility meeting, a decision is made that a child is *not* eligible for special education, the parents should be notified about the decision.

9. *Must IEPs be reviewed or revised at the beginning of each school year?*

No. The basic requirement in the regulations is that IEPs must *be in effect* at the beginning of each school year. Meetings must be conducted at least once each year to review and, if necessary, revise each handicapped child's IEP. However, the meetings may be held any time during the year, including (1) at the end of the school year, (2) during the summer, before the new school year begins, or (3) on the anniversary date of the last IEP meeting on the child.

10. *How frequently must IEP meetings be held and how long should they be?*

Section 614(a)(5) of the Act, 20 U.S.C. § 1414(a)(5), provides that each public agency must hold meetings periodically, but not less than annually, to review each child's IEP and, if appropriate, revise

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

its provisions. The legislative history of the Act makes it clear that there should be as many meetings a year as any one child may need. (121 Cong. Rec. S20428-29 (Nov. 19, 1975) (remarks of Senator Stafford).)

There is no prescribed length for IEP meetings. In general, meetings (1) will be longer for initial placements and for children who require a variety of complex services, and (2) will be shorter for continuing placements and for children who require only a minimum amount of services. In any event, however, it is expected that agencies will allow sufficient time at the meetings to ensure meaningful parent participation.

11. *Who can initiate IEP meetings?*

IEP meetings are initiated and conducted at the discretion of the public agency. However, if the parents of a handicapped child believe that the child is not progressing satisfactorily or that there is a problem with the child's current IEP, it would be appropriate for the parents to request an IEP meeting. The public agency should grant any reasonable request for such a meeting. (NOTE: Under Reg. 300.506(a), the parents or agency may initiate a due process hearing at any time regarding any matter related to the child's IEP.)

If a child's teacher(s) feels that the child's placement or IEP services are not appropriate to the child, the teacher(s) should follow agency procedures with respect to (1) calling or meeting with the parents and/or (2) requesting the agency to hold another meeting to review the child's IEP.

12. *May IEP meetings be tape-recorded?*

The use of tape recorders at IEP meetings is not addressed by either the Act or the regulations. Although taping is clearly not required, it is permissible at the option of either the parents or the agency. However, if the recording is maintained by the agency, it is an "education record," within the meaning of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and would, therefore, be subject to the confidentiality requirements of the regulations under both FERPA, 34 C.F.R. Part 99, pages 121:01-121:60 and EHA/B, 34 C.F.R. 300.560-300.565, pages 104:254-104:256.

REGULATIONS

Reg. 300.344 Participants in meetings.

(a) *General.* The public agency shall insure that each meeting includes the following participants:

(1) A representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.

(2) The child's teacher.

(3) One or both of the child's parents, subject to Reg. 300.345.

(4) The child, where appropriate.

(5) Other individuals at the discretion of the parent or agency.

(b) *Evaluation personnel.* For a handicapped child who has been evaluated for the first time, the public agency shall insure:

(1) That a member of the evaluation team participates in the meeting; or

(2) That the representative of the public agency, the child's teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

(20 U.S.C. 1401(19); 1412(2)(B), (4), (6); 1414(a)(5).)

Comment. 1. In deciding which teacher will participate in meetings on a child's individualized education program, the agency may wish to consider the following possibilities:

(a) For a handicapped child who is receiving special eduation, the "teacher" could be the child's special education teacher. If the child's handicap is a speech impairment, the "teacher" could be the speech-language pathologist.

(b) For a handicapped child who is being considered for placement in special education, the "teacher" could be the child's regular teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both.

(c) If the child is not in school or has more than one teacher, the agency may designate which teacher will participate in the meeting.

2. Either the teacher or the agency representative should be qualified in the area of the child's suspected disability.

3. For a child whose primary handicap is a speech impairment, the evaluation personnel participating under paragraph (b)(1) of this section would normally be the speech-language pathologist.

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

13. *Who can serve as the "representative of the public agency" at an IEP meeting?*

The "representative of the public agency" could be any member of the school staff, other than the child's teacher, who is "qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children." (Section 602(19) of the Act, 20 U.S.C. § 1402(19).) Thus, the agency representative could be (1) a qualified special education administrator, supervisor, or teacher (including a speech-language pathologist), or (2) a school principal or other administrator — if the person is qualified to provide, or supervise the provision of, special education.

Each State or local agency may determine which specific staff member will serve as the agency representative. However, the representative should be able to ensure that whatever services are set out in the IEP will actually be provided and that the IEP will not be vetoed at a higher administrative level within the agency. Thus, the person selected should have the authority to commit agency resources (*i.e.*, to make decisions about the specific special education and related services that the agency will provide to a particular child).

For a handicapped child who requires only a limited amount of special education, the agency representative able to commit appropriate resources could be a special education teacher, or a speech-language pathologist, other than the child's teacher. For a child who requires extensive special education and related services, the agency representative might need to be a key administrator in the agency. (NOTE: IEP meetings for continuing placements could be more routine than those for initial placements, and, thus, might not require the participation of a key administrator.)

14. *Who is the "representative of the public agency" if a handicapped child is served by a public agency other than the SEA or LEA?*

The answer depends on which agency is responsible, under State law, policy, or practice, for any one or all of the following: (1) the child's education, (2) placing the child, and (3) providing (or paying for the provision of) special education and related services to the child.

In general, the agency representative at the IEP meeting would be a member of the agency or institution that is responsible for the child's education. For example, if a State agency (1) places a child in an institution, (2) is responsible under State law for the child's education, and (3) has a qualified special education staff at the institution, then a member of the institution's staff would be the agency representative at the IEP meetings.

Sometimes there is no special education staff at the institution, and the children are served by special education personnel from the LEA where the institution is located. In this situation, a member of the LEA staff would usually serve as the agency representative. (NOTE: In situations where the LEA places a child in an institution, paragraph "b" of the response to Question 1, above, would apply.)

15. *For a handicapped child being considered for initial placement in special education, which teacher should attend the IEP meeting?*

The teacher could be either (1) a teacher qualified to provide special education in the child's area of suspected disability, or (2) the child's regular teacher. At the option of the agency, both teachers could attend. In any event, there should be at least one member of the school staff at the meeting (*e.g.*, the agency representative or the teacher) who is qualified in the child's area of suspected disability.

NOTE: Sometimes more than one meeting is necessary in order to finalize a child's IEP. If, in this process, the special education teacher who will be working with the child is identified, it would be useful to have that teacher participate in the meeting with the parents and other members of the IEP team in finalizing the IEP. When this is not possible, the agency should ensure that the teacher is given a copy of the child's IEP as soon as possible after the IEP is finalized and before the teacher begins working with the child.

16. *If a handicapped child is enrolled in both regular and special education classes, which teacher should attend the IEP meeting?*

In general, the teacher at the IEP meeting should be the child's special education teacher. At the option of the agency or the parent, the child's regular teacher also might attend. If the regular teacher does not attend, the agency should either provide the regular teacher with a copy of the IEP or inform the regular teacher of its contents. Moreover, the agency should ensure that the special education teacher, or other appropriate support person, is able, where necessary, to consult with and be a resource to the child's regular teacher.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

17. *If a handicapped child in high school attends regular classes, must all of the child's regular teachers attend the IEP meeting?*

No. Only one teacher must attend. However, at the option of the LEA, additional teachers of the child may attend. The following points should be considered in making this decision:

a. Generally, the number of participants at IEP meetings should be small. Small meetings have several advantages over large ones. For example, they (1) allow for more open, active parent involvement, (2) are less costly, (3) are easier to arrange and conduct, and (4) are usually more productive. (NOTE: In an informal examination of IEPs from five States, Department staff found that, on the average, IEP meetings were attended by four persons.)

b. While large meetings are generally inappropriate, there may be specific circumstances in which the participation of additional staff would be beneficial. When the participation of the regular teachers is considered by the agency or the parents to be beneficial to the child's success in school (*e.g.*, in terms of the child's participation in the regular education program), it would be appropriate for them to attend the meetings.

c. Although the child's regular teachers would not routinely attend IEP meetings, they should either (1) be informed about the child's IEP by the special education teacher or agency representative, and/or (2) receive a copy of the IEP itself.

18. *If a child's primary handicap is a speech impairment, must the child's regular teacher attend the IEP meeting?*

No. A speech-language pathologist would usually serve as the child's "teacher" for purposes of the IEP meeting. The regular teacher could also attend at the option of the school.

19. *If a child is enrolled in a special education class because of a primary handicap, and also receives speech-language pathology services, must both specialists attend the IEP meeting?*

No. It is not required that both attend. The special education teacher would attend the meeting as the child's "teacher." The speech-language pathologist could either (1) participate in the meeting itself, or (2) provide a written recommendation concerning the nature, frequency, and amount of services to be provided to the child.

20. *When may representatives of teacher organizations attend IEP meetings?*

Under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and implementing regulations, 34 C.F.R. Part 99, officials of teacher organizations may not attend IEP meetings at which personally identifiable information from the student's education records may be discussed — except with the prior written consent of the parents. (*See* Reg. 99.30(a)(1), page 121:56.)

In addition, EHA/B does not provide for the participation of representatives of teacher organizations at IEP meetings. The legislative history of the Act makes it clear that attendance at IEP meetings should be limited to those who have an intense interest in the child. (121 Cong. Rec. S10974 (June 18, 1975) (remarks of Sen. Randolph).) Since a representative of a teacher organization would be concerned with the interests of the teacher rather than the interests of the child, it would be inappropriate for such an official to attend an IEP meeting.

21. *When may a handicapped child attend an IEP meeting?*

Generally, a handicapped child should attend the IEP meeting whenever the parent decides that it is appropriate for the child to do so, Whenever possible, the agency and parents should discuss the appropriateness of the child's participation before a decision is made, in order to help the parents determine whether or not the child's attendance will be (1) helpful in developing the IEP and/or (2) directly beneficial to the child. The agency should inform the parents before each IEP meeting — as part of the "notice of meeting" required under Reg. 300.345(b) — that they may invite their child to participate.

NOTE: The parents and agency should encourage older handicapped children (particularly those at the secondary school level) to participate in their IEP meetings.

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

22. *Do the parents of a handicapped student retain the right to attend the IEP meeting when the student reaches the age of majority?*

The Act is silent concerning any modification of the rights of a handicapped student's parents when the student reaches the age of majority. The Department is considering providing further guidance on this issue in a separate document.

23. *Must related services personnel attend IEP meetings?*

No. It is not required that they attend. However, if a handicapped child has an identified need for related services, it would be appropriate for the related services personnel to attend the meeting or otherwise be involved in developing the IEP. For example, when the child's evaluation indicates the need for a specific related service (*e.g.*, physical therapy, occupational therapy, or counseling), the agency should ensure that a qualified provider of that service either (1) attends the IEP meetings, or (2) provides a written recommendation concerning the nature, frequency, and amount of service to be provided to the child. (NOTE: This written recommendation could be a part of the evaluation report.)

24. *Are agencies required to use a case manager in the development of a handicapped child's IEP?*

No. However, some agencies have found it helpful to have a special educator or some other school staff member (*e.g.*, a social worker, counselor, or psychologist) serve as coordinator or case manager of the IEP process for an individual child or for all handicapped children served by the agency. Examples of the kinds of activities which case managers might carry out are (1) coordinating the multidisciplinary evaluation; (2) collecting and synthesizing the evaluation reports and other relevant information about a child that might be needed at the IEP meeting; (3) communicating with the parents; and (4) participating in, or conducting, the IEP meeting itself.

25. *For a child with a suspected speech impairment, who must represent the evaluation team at the IEP meeting?*

No specific person must represent the evaluation team. However, a speech-language pathologist would normally be the most appropriate representative. For many children whose primary handicap is a speech impairment, there may be no other evaluation personnel involved. The comment following Reg. 300.532 *(Evaluation procedures)* states:

> Children who have a speech impairment as their primary handicap may not need a complete battery of assessments (*e.g.*, psychological, physical, or adaptive behavior). However, a qualified speech-language pathologist would (1) evaluate each speech impaired child using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders, and (2) where necessary, make referrals for additional assessments needed to make an appropriate placement decision.

REGULATIONS

Reg. 300.345 Parent participation.

(a) Each public agency shall take steps to insure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including:

(1) Notifying the parents of the meeting early enough to insure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) The notice under paragraph (a)(1) of this section must indicate the purpose, time, and location of the meeting, and who will be in attendance.

(c) If neither parent can attend, the public agency shall use other methods to insure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as:

(1) Detailed records of telephone calls made or attempted and the results of those calls.

(2) Copies of correspondence sent to the parents and any responses received, and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) The public agency shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(f) The public agency shall give the parent, on request, a copy of the individualized education program.

(20 U.S.C. 1412(2)(B), (4), (6); 1414(a)(5).)

Comment. The notice in paragraph (a) could also inform parents that they may bring other people to the meeting. As indicated in paragraph (c), the procedure used to notify parents (whether oral or written or both) is left to the discretion of the agency, but the agency must keep a record of its efforts to contact parents.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

26. *What is the role of the parents at an IEP meeting?*

The parents of a handicapped child are expected to be equal participants, along with school personnel, in developing, reviewing, and revising the child's IEP. This is an active role in which the parents (1) participate in the discussion about the child's need for special education and related services, and (2) join with the other participants in deciding what services the agency will provide to the child. (NOTE: In some instances, parents might elect to bring another participant to the meeting, *e.g.*, a friend or neighbor, someone outside of the agency who is familiar with applicable laws and with the child's needs, or a specialist who conducted an independent evaluation of the child.)

27. *What is the role of a surrogate parent at an IEP meeting?*

A surrogate parent is a person appointed to represent the interests of a handicapped child in the educational decision-making process when that child has no other parent representation. The surrogate has all of the rights and responsibilities of a parent under EHA/B. Thus, the surrogate parent is entitled to (1) participate in the child's IEP meeting, (2) see the child's education records, and (3) receive notice, grant consent, and invoke due process to resolve differences. (*See* Reg. 300.514, *Surrogate parents.*)

28. *Must the public agency let the parents know who will be at the IEP meeting?*

Yes. In notifying parents about the meeting, the agency "must indicate the purpose, time, and location of the meeting, and *who will be in attendance.*" (Reg. 300.345(b), emphasis added.) Where possible, the agency should give the name and position of each person who will attend. In addition, the agency should inform the parents of their right to bring other participants to the meeting. (*See* Question 21, above, regarding participation of the child.) It is also appropriate for the agency to ask whether the parents intend to bring a participant to the meeting.

29. *Are parents required to sign IEPs?*

Parent signatures are not required by either the Act or regulations. However, having such signatures is considered by parents, advocates, and public agency personnel to be useful. (NOTE: A national survey conducted under contract with the Department indicates that, in practice, most IEPs are signed by parents.)

The following are some of the ways in which IEPs signed by parents and/or agency personnel might be used:

a. A signed IEP is one way to document who attended the meeting. (NOTE: This is useful for monitoring and compliance purposes.) If signatures are not used, the agency must document attendance in some other way.

b. An IEP signed by the parents is one way to indicate that the parents approve the child's special education program. (NOTE: If, after signing, the parents feel that a change is needed in the IEP, it would be appropriate for them to request another meeting. *See* Question 11, above.)

c. An IEP signed by an agency representative provides the parents a signed record of the services that the agency has agreed to provide. (NOTE: Even if the school personnel do not sign, the agency still must provide, or ensure the provision of, the services called for in the IEP.)

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

30. *If the parent signs the IEP, does the signature indicate consent for initial placement?*

The parent's signature on the IEP would satisfy the consent requirement concerning initial placement of the child (Reg. 300.504(b)(1)(ii) only if the IEP includes a statement on initial placement which meets the definition of "consent" in Reg. 300.500:

> "Consent" means that: (a) the parent has been fully informed of all information relevant to the activity for which consent is sought . . .
>
> (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and
>
> (c) The parent understands that the granting of consent is voluntary . . . and may be revoked at any time.

31. *Do parents have the right to a copy of their child's IEP?*

Yes. Reg. 300.345(f) states that "the public agency shall give the parent, on request, a copy of the individualized education program." In order that parents may know about this provision, it is recommended that they be informed about it at the IEP meeting and/or receive a copy of the IEP itself a reasonable time following the meeting. (NOTE: The National Committee for Citizens in Education reports that in a 1979 survey of approximately 2,500 parents of handicapped children in 46 States, nearly 60% indicated that a completed copy of the IEP had been made available for them to keep.)

32. *Must parents be informed at the IEP meeting of their right to appeal?*

If the agency has already informed the parents of their right to appeal, as it is required to do under the prior notice provisions of the regulations (Regs. 300.504-300.505), it would not be necessary for the agency to do so again at the IEP meeting.

- Reg. 300.504(a) states that "written notice which meets the requirements under Reg. 300.505 must be given to parents a reasonable time" before the public agency proposes or refuses "to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child."
- Reg. 300.505(a) states that the notice must include "(1) A full explanation of all procedural safeguards available to parents" under the due process provisions of the regulations (Regs. 300.500-300.589).

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide upon what the child's needs are, what will be provided, and what the anticipated outcomes may be. If, during the IEP meeting, parents and school staff are unable to reach agreement, the agency should remind the parents that they may seek to resolve their differences through the due process procedures under the Act. (NOTE: Reg. 300.506(a) states that "a parent or public educational agency may initiate a hearing on any matters described in Reg. 300.504(a)(1) and (2).")

Every effort should be made to resolve differences between parents and school staff without resort to a due process hearing (*i.e.*, through voluntary mediation or some other informal step). However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing. (*See* Reg. 300.506, *Impartial due process hearing.*)

33. *Does the IEP include ways for parents to check the progress of their children?*

In general, the answer is yes. The IEP document is a written record of decisions jointly made by parents and school personnel at the IEP meeting regarding a handicapped child's special education program. That record includes agreed upon items, such as goals and objectives, and the specific special education and related services to be provided to the child.

The goals and objectives in the IEP should be helpful to both parents and school personnel, in a general way, checking on a child's progress in the special education program. (*See* Questions 37-43, below, regarding goals and objectives in the IEP.) However, since the IEP is not intended to include the specifics about a child's total educational program that are found in daily, weekly, or monthly instructional plans, parents will often need to obtain more specific, on-going information about the child's progress — through parent-teacher conferences, report cards and other reporting procedures ordinarily used by the agency.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

34. *Must IEPs include specific "checkpoint intervals" for parents to confer with teachers and to revise or update their children's IEPs?*

No. A handicapped child's IEP is not required to include specific "checkpoint intervals" (*i.e.*, meeting dates) for reviewing the child's progress. However, in individual situations, specific meeting dates could be designated in the IEP, if the parents and school personnel believe that it would be helpful to do so.

Although meeting dates are not required to be set out in the IEP itself, there are specific provisions in the regulations and in this document regarding agency responsibilities in initiating IEP meetings, including the following: (1) public agencies must hold meetings periodically, but not less than annually, to review, and if appropriate, revise, each child's IEP (Reg. 300.343(d); (2) there should be as many meetings a year as the child needs (*see* Question 10, above); and (3) agencies should grant any reasonable parental request for an IEP meeting (*see* Question 11, above).

In addition to the above provisions, it is expected that, through an agency's general reporting procedures for all children in school, there will be specific designated times for parents to review their children's progress (*e.g.*, through periodic parent-teacher conferences, and/or the use of report cards, letters, or other reporting devices).

35. *If the parents and agency are unable to reach agreement at an IEP meeting, what steps should be followed until agreement is reached?*

As a general rule, the agency and parents would agree to an interim course of action for serving the child (*i.e.*, in terms of placement and/or services) to be followed until the area of disagreement over the IEP is resolved. The manner in which this interim measure is developed and agreed to by both parties is left to the discretion of the individual State or local agency. However, if the parents and agency cannot agree on an interim measure, the child's last agreed upon IEP would remain in effect in the areas of disagreement until the disagreement is resolved. The following may be helpful to agencies when there are disagreements:

a. There may be instances where the parents and agency are in agreement about the basic IEP services (*e.g.*, the child's placement and/or the special education services), but disagree about the provision of a particular related service (*i.e.*, whether the service is needed and/or the amount to be provided). In such cases, it is recommended (1) that the IEP be implemented in all areas in which there is agreement, (2) that the document indicate the points of disagreement, and (3) that procedures be initiated to resolve the disagreement.

b. Sometimes the disagreement is with the placement or kind of special education to be provided (*e.g.*, one party proposes a self-contained placement, and the other proposes resource room services). In such cases, the agency might, for example, carry out any one or all of the following steps: (1) remind the parents that they may resolve their differences through the due process procedures under EHA/B; (2) work with the parents to develop an interim course of action (in terms of placement and/or services) which both parties can agree to until resolution is reached; and (3) recommend the use of mediation, or some other informal procedure for resolving the differences without going to a due process hearing. (*See* Question 32, above, regarding the right to appeal.)

c. If, because of the disagreement over the IEP, a hearing is initiated by either the parents or agency, the agency may not change the child's placement unless the parents and agency agree otherwise. (*See* Reg. 300.513, *Child's status during proceedings*.) The following two examples are related to this requirement:

(1) A child in the regular fourth grade has been evaluated and found to be eligible for special education. The agency and parents agree that the child has a specific learning disability. However, one party proposes placement in a self-contained program, and the other proposes placement in a resource room. Agreement cannot be reached, and a due process hearing is initiated. Unless the parents and agency agree otherwise, the child would remain in the regular fourth grade until the issue is resolved.

On the other hand, since the child's need for special education is not in question, both parties might agree — as an interim measure — (1) to temporarily place the child in either one of the programs proposed at the meeting (self-contained program or resource room), or (2) to serve the child through some other temporary arrangement.

(2) A handicapped child is currently receiving special education under an existing IEP. A due process hearing has been initiated regarding an alternative special education placement

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

for the child. Unless the parents and agency agree otherwise, the child would remain in the current placement. In this situation, the child's IEP could be revised, as necessary, and implemented in all of the areas agreed to by the parents and agency, while the area of disagreement (*i.e.*, the child's placement) is being settled through due process.

NOTE: If the due process hearing concerns whether or not a particular service should continue to be provided under the IEP (*e.g.*, physical therapy), that service would continue to be provided to the child under the IEP that was in effect at the time the hearing was initiated, (1) unless the parents and agency agree to a change in the services, or (2) until the issue is resolved.

REGULATIONS

Reg. 300.346 Content of individualized education program.

The individualized education program for each child must include:

(a) A statement of the child's present levels of educational performance;

(b) A statement of annual goals, including short term instructional objectives;

(c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular education programs;

(d) The projected dates for initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

(20 U.S.C. 1401(19); 1412(2)(B), (4), (6); 1414(a)(5); Senate Report No. 94-168, p. 11 (1975).)

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

36. *What should be included in the statement of the child's present levels of educational performance?*

The statement of present levels of educational performance will be different for each handicapped child. Thus, determinations about the content of the statement for an individual child are matters that are left to the discretion of participants in the IEP meetings. However, the following are some points which should be taken into account in writing this part of the IEP.

a. The statement should accurately describe the effect of the child's handicap on the child's performance in any area of education that is affected, including (1) academic areas (reading, math, communication, etc.), and (2) nonacademic areas (daily life activities, mobility, etc.). (NOTE: Labels such as "mentally retarded" or "deaf" may not be used as a substitute for the description of present levels of education performance.)

b. The statement should be written in objective measurable terms, to the extent possible. Data from the child's evaluation would be a good source of such information. Test scores that are pertinent to the child's diagnosis might be included, where appropriate. However, the scores should be (1) self-explanatory (*i.e.*, they can be interpreted by all participants without the use of test manuals or other aids), or (2) an explanation should be included. Whatever test results are used should reflect the impact of the handicap on the child's performance. Thus, raw scores would not usually be sufficient.

c. There should be a direct relationship between the present levels of educational performance and the other components of the IEP. Thus, if the statement describes a problem with the child's reading skill, this problem should be addressed under both (1) goals and objectives, and (2) specific special education and related services to be provided to the child.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

37. *Why are goals and objectives required in the IEP?*

The statutory requirements for including annual goals and short term objectives, Section 602(19)(B), 20 U.S.C. § 1402(19)(B), and for having at least an annual review of a handicapped child's IEP, Section 614(a)(5), 20 U.S.C. § 1414(a)(5), provide a mechanism for determining (1) whether the anticipated outcomes for the child are being met (*i.e.*, whether the child is progressing in the special education program) and (2) whether the placement and services are appropriate to the child's special learning needs. In effect, these requirements provide a way for the child's teacher(s) and parents to be able to track the child's progress in special education. However, the goals and objectives in the IEP are not intended to be as specific as the goals and objectives that are normally found in daily, weekly, or monthly instructional plans.

38. *What are "annual goals" in an IEP?*

The annual goals in the IEP are statements which describe what a handicapped child can reasonably be expected to accomplish within a twelve month period in the child's special education program. As indicated under Question 36, above, there should be a direct relationship between the annual goals and the present levels of educational performance.

39. *What are "short term instructional objectives" in an IEP?*

"Short term instructional objectives" (also called "IEP objectives") are measurable, intermediate steps between a handicapped child's present levels of educational performance and the annual goals that are established for the child. The objectives are developed based on a logical breakdown of the major components of the annual goals, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, IEP objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in IEPs are different from those used in instructional plans, primarily in the amount of detail they provide. IEP objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (*e.g.*, an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an IEP, such as the specific methods, activities, and materials (*e.g.*, use of flash cards) that will be used in accomplishing the objectives.

40. *Should the IEP goals and objectives focus only on special education and related services, or should they relate to the total education of the child?*

IEP goals and objectives are concerned primarily with meeting a handicapped child's need for special education and related services, and are not required to cover other areas of the child's education. Stated another way, the goals and objectives in the IEP should focus on offsetting or reducing the problems resulting from the child's handicap which interfere with learning and educational performance in school. For example, if a learning disabled child is functioning several grades below the child's indicated ability in reading and has a specific problem with word recognition, the IEP goals and objectives would be directed toward (1) closing the gap between the child's indicated ability and current level of functioning, and (2) helping the child increase the ability to use word attack skills effectively (or to find some other approach to increase independence in reading).

For a child with a mild speech impairment, the IEP objectives would focus on improving the child's communication skills, by either (1) correcting the impairment, or (2) minimizing its effect on the child's ability to communicate. On the other hand, the goals and objectives for a severely retarded child would be more comprehensive and cover more of the child's school program than if the child has only a mild handicap.

41. *Should there be a relationship between the goals and objectives in the IEP and those that are in instructional plans of special education personnel?*

Yes. There should be a direct relationship between the IEP goals and objectives for a given handicapped child and the goals and objectives that are in the special education instructional plans for the child. However, the IEP is not intended to be detailed enough to be used as an instructional plan. The IEP, through its goals and objectives, (1) sets the general direction to be taken by those who will implement the IEP, and (2) serves as the basis for developing a detailed instructional plan for the child. (NOTE: *See* Question 56, below, regarding the length of IEPs.)

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

42. *When must IEP objectives be written — before placement or after placement?*

IEP objectives must be written before placement. Once a handicapped child is placed in a special education program, the teacher might develop lesson plans or more detailed objectives *based* on the IEP. However, such plans and objectives are not required to be a part of the IEP itself.

43. *Can short term instructional objectives be changed without initiating another IEP meeting?*

No. Reg. 300.343(a) provides that the agency "is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and *revising* a handicapped child's individualized education program" (emphasis added). Since a change in short term instructional objectives constitutes a revision of the child's IEP, the agency must (1) notify the parents of the proposed change (*See* Reg. 300.504(a)(1)), and (2) initiate an IEP meeting. Note, however, that if the parents are unable or unwilling to attend such a meeting, their participation in the revision of the IEP objectives can be obtained through other means, including individual or conference telephone calls (*See* Reg. 300.345(c)).

44. *Must the IEP include all special education and related services needed by the child or only those available from the public agency?*

Each public agency must provide a free appropriate public education to all handicapped children under its jurisdiction. Therefore, the IEP for a handicapped child must include all of the specific special education and related services needed by the child — as determined by the child's current evaluation. This means that the services must be listed in the IEP even if they are not directly available from the local agency, and must be provided by the agency through contract or other arrangements.

45. *Is the IEP a commitment to provide services — i.e., must a public agency provide all of the services listed in the IEP?*

Yes. Each handicapped child's IEP must include all services necessary to meet the child's identified special education and related services needs; and all services in the IEP must be provided in order for the agency to be in compliance with the Act.

46. *Must the public agency itself directly provide the services set out in the IEP?*

The public agency responsible for the education of a handicapped child could provide IEP services to the child (1) directly, through the agency's own staff resources, or (2) indirectly, by contracting with another public or private agency, or through other arrangements. In providing the services, the agency may use whatever State, local, Federal, and private sources of support are available for those purposes (*See* Reg. 300.301(a)). However, the services must be at no cost to the parents, and responsibility for ensuring that the IEP services are provided remains with the public agency.

47. *Does the IEP include only special education and related services or does it describe the total education of the child?*

The IEP is required to include only those matters concerning the provision of special education and related services and the extent to which the child can participate in regular education programs. (NOTE: The regulations define "special education" as specially designed instruction to meet the unique needs of a handicapped child, and "related services" as those which are necessary to assist the child to benefit from special education.) (*See* Regs. 300.14 and 300.13, respectively.)

For some handicapped children, the IEP will only address a very limited part of their education (*e.g.*, for a speech impaired child, the IEP would generally be limited to the child's speech impairment). For other children (*e.g.*, those who are profoundly retarded), the IEP might cover their total education. An IEP for a physically impaired child with no mental impairment might consist only of specially designed physical education. However, if the child also has a mental impairment, the IEP might cover most of the child's education. (NOTE: The IEP is not intended to be detailed enough to be used as an instructional plan. (*See* Question 41, above.))

48. *If modifications are necessary for a handicapped child to participate in a regular education program, must they be included in the IEP?*

Yes. If modifications (supplementary aids and services) to the regular education program are necessary to ensure the child's participation in that program, those modifications must be described

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

in the child's IEP (*e.g.*, for a hearing impaired child, special seating arrangements or the provision of assignments in writing). This applies to any regular education program in which the student may participate, including physical education, art, music, and vocational education.

49. *When must physical education (PE) be described or referred to in the IEP?*

Reg. 300.307(a) provides that "physical education services, specially designed if necessary, must be made available to every handicapped child receiving a free appropriate public education." The following paragraphs (1) set out some of the different PE program arrangements for handicapped students, and (2) indicate whether, and to what extent, PE must be described or referred to in an IEP:

a. *Regular PE with nonhandicapped students.* If a handicapped student can participate fully in the regular PE program without any special modifications to compensate for the student's handicap, it would not be necessary to describe or refer to PE in the IEP. On the other hand, if some modifications to the regular PE program are necessary for the student to be able to participate in that program, those modifications must be described in the IEP.

b. *Specially designed PE.* If a handicapped student needs a specially designed PE program, that program must be addressed in all applicable areas of the IEP (*e.g.*, present levels of educational performance, goals and objectives, and services to be provided). However, these statements would not have to be presented in any more detail than the other special education services included in the student's IEP.

c. *PE in separate facilities.* If a handicapped student is educated in a separate facility, the PE program for that student must be described or referred to in the IEP. However, the kind and amount of information to be included in the IEP would depend on the physical-motor needs of the student and the type of PE program that is to be provided.

Thus, if a student is in a separate facility that has a standard PE program (*e.g.*, a residential school for the deaf), and if it is determined — on the basis of the student's most recent evaluation — that the student is able to participate in that program without any modifications, then the IEP need only note such participation. On the other hand, if special modifications to the PE program are needed for the student to participate, those modifications must be described in the IEP. Moreover, if the student needs an individually designed PE program, that program must be addressed under all applicable parts of the IEP. (*See* paragraph "b," above.)

NOTE: The Department is considering the possibility of publishing a separate document on the PE requirement under the Act and regulations.

50. *If a handicapped student is to receive vocational education, must it be described or referred to in the student's IEP?*

The answer depends on the kind of vocational education program to be provided. If a handicapped student is able to participate in the regular vocational education program without any modifications to compensate for the student's handicap, it would not be necessary to include vocational education in the student's IEP. On the other hand, if modifications to the regular vocational education program are necessary in order for the student to participate in that program, those modifications must be included in the IEP. Moreover, if the student needs a specially designed vocational education program, then vocational education must be described in all applicable areas of the student's IEP (*e.g.*, present levels of educational performance, goals and objectives, and specific services to be provided). However, these statements would not have to be presented in any more detail than the other special education services included in the IEP.

NOTE: Regulations under the Vocational Education Act provide that (1) certain funds available under that Act for vocational programs for handicapped persons must be used in a manner consistent with the State's plan under EHA/B, and (2) the five-year State Vocational Education Plan "shall describe how the program provided each handicapped child will be planned and coordinated in conformity with and as a part of the child's individualized education program as required by the Education of the Handicapped Act." *See* 34 C.F.R. 400.141(f)(10), 400.182(f).

51. *Must the IEP specify the amount of services or may it simply list the services to be provided?*

The amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. The amount of time to

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

be committed to each of the various services to be provided must be (1) appropriate to that specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP.

Changes in the amount of services listed in the IEP cannot be made without holding another IEP meeting. However, as long as there is no change in the overall amount, some adjustments in scheduling the services should be possible (based on the professional judgment of the service provider) without holding another IEP meeting. (NOTE: The parents should be notified whenever this occurs.)

52. *Must a handicapped child's IEP indicate the extent to which the child will be educated in the regular educational program?*

Yes. Reg. 300.346(c) provides that the IEP for each handicapped child must include a "statement of . . . the extent to which the child will be able to participate in regular educational programs." One way of meeting this requirement is to indicate the percent of time the child will be spending in the regular education program with nonhandicapped students. Another way is to list the specific regular education classes the child will be attending.

NOTE: If a severely handicapped child, for example, is expected to be in a special classroom setting most of the time, it is recommended that, in meeting the above requirement, the IEP include any noncurricular activities in which the child will be participating with nonhandicapped students (*e.g.*, lunch, assembly periods, club activities, and other special events).

53. *Can the anticipated duration of services be for more than twelve months?*

In general, the anticipated duration of services would be up to twelve months. There is a direct relationship between the anticipated duration of services and the other parts of the IEP (*e.g.*, annual goals and short term objectives), and each part of the IEP would be addressed whenever there is a review of the child's program. If it is anticipated that the child will need a particular service for more than one year, the duration of that service could be projected beyond that time in the IEP. However, the duration of each service must be reconsidered whenever the IEP is reviewed.

54. *Must the evaluation procedures and schedules be included as a separate item in the IEP?*

No. The evaluation procedures and schedules need not be included as a separate item in the IEP, but they must be presented in a recognizable form and be clearly linked to the short term objectives. (NOTE: In many instances, these components are incorporated directly into the objectives.)

Other Questions About the Contents of an IEP

55. *Is it permissible for an agency to have the IEP completed when the IEP meeting begins?*

No. It is not permissible for an agency to present a completed IEP to parents for their approval before there has been a full discussion with the parents of (1) the child's need for special education and related services, and (2) what services the agency will provide to the child. Section 602(19) of the Act, 20 U.S.C. § 1402(19), defines the IEP as a written statement *developed in any meeting* with the agency representative, the teacher, the parent, and whenever appropriate, the child.

It would be appropriate for agency staff to come prepared with evaluation findings, statements of present levels of educational performance, and a recommendation regarding annual goals, short term instructional objectives, and the kind of special education and related services to be provided. However, the agency must make it clear to the parents at the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents. The legislative history of Pub. L. 94-142 makes it clear that parents must be given the opportunity to be active participants in all major decisions affecting the education of their handicapped children. (*See, e.g.*, S. Rep. No. 168, 94th Cong., 1st Sess. 13 (1975); S. Rep. No. 455 (Conference Report), 94th Cong., 1st Sess. 47-50 (1975).)

56. *Is there a prescribed format or length for an IEP?*

No. The format and length of an IEP are matters left to the discretion of State and local agencies. The IEP should be as long as necessary to adequately describe a child's program. However, as indicated in Question 41, above, the IEP is not intended to be a detailed instructional plan. The Federal IEP requirements can usually be met in a one to three page form. (NOTE: In a national survey conducted under contract with the Department, it was found that 47% of the IEPs reviewed were 3 pages or less in length.)

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements (Cont.)

57. *Is it permissible to consolidate the IEP with an individual service plan developed under another Federal program?*

Yes. In instances where a handicapped child must have both an IEP and an individualized service plan under another Federal program, it may be possible to develop a single, consolidated document, provided that (1) it contains all of the information required in an IEP, and (2) all of the necessary parties participate in its development.

Examples of individualized service plans which might be consolidated with the IEP are: (1) the Individualized Care Plan (Title XIX of the Social Security Act (Medicaid)), (2) the Individualized Program Plan (Title XX of the Social Security Act (Social Services)), (3) the Individualized Service Plan (Title XVI of the Social Security Act (Supplemental Security Income)), and (4) the Individualized Written Rehabilitation Plan (Rehabilitation Act of 1973).

58. *What provisions on confidentiality of information apply to IEPs?*

IEPs are subject to the confidentiality provisions of both (1) EHA/B (Section 617(c) of the Act, 20 U.S.C. § 1417(c); Regs. 300.560-300.576, and (2) the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g. An IEP is an "education record" as that term is used in the FERPA and implementing regulations (34 C.F.R. Part 99) and is, therefore, subject to the same protections as other education records relating to the student.

NOTE: Under Reg. 99.31(a) of the FERPA regulations, an educational agency may disclose personally identifiable information from the education records of a student without the written consent of the parents "if the disclosure is — (1) To other school officials, including teachers, within the educational institution or local educational agency who have been determined by the agency or institution to have legitimate educational interests . . ." in that information.

REGULATIONS

Reg. 300.347 Private school placements.

(a) *Developing individualized education programs.* (1) Before a public agency places a handicapped child in, or refers a child to, a private school or facility, the agency shall initiate and conduct a meeting to develop an individualized education program for the child in accordance with Reg. 300.343.

(2) The agency shall insure that a representative of the private school facility attends the meeting. If the representative cannot attend, the agency shall use other methods to insure participation by the private school or facility, including individual or conference telephone calls.

(3) The public agency shall also develop an individualized educational program for each handicapped child who was placed in a private school or facility by the agency before the effective date of these regulations.

(b) *Reviewing and revising individualized education programs.* (1) After a handicapped child enters a private school or facility, any meetings to review and revise the child's individualized education program may be initiated and conducted by the private school or facility at the discretion of the public agency.

(2) If the private school or facility initiates and conducts these meetings, the public agency shall insure that the parents and an agency representative:

(i) Are involved in any decision about the child's individualized education program; and

(ii) Agree to any proposed changes in the program before those changes are implemented.

(c) *Responsibility.* Even if a private school or facility implements a child's individualized education program, responsibility for compliance with this part remains with the public agency and the State educational agency.

(20 U.S.C. 1413(a)(4)(B).)

© 1981 CRR Publishing Company, Washington, D.C. 20005

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

59. *If placement decisions are made at the time the IEP is developed, how can a private school representative attend the meeting?*

Generally, a child who requires placement in either a public or private residential school has already been receiving special education, and the parents and school personnel have often jointly been involved over a prolonged period of time in attempting to find the most appropriate placement for the child. At some point in this process (*e.g.*, at a meeting where the child's current IEP is being reviewed), the possibility of residential school placement might be proposed — by either the parents or school personnel. If both agree, then the matter would be explored with the residential school. A subsequent meeting would then be conducted to finalize the IEP. At this meeting, the public agency must ensure that a representative of the residential school either (1) attends the meeting, or (2) participates through individual or conference telephone calls, or by other means.

REGULATIONS

Reg. 300.348 Handicapped children in parochial or other private schools.

If a handicapped child is enrolled in a parochial or other private school and receives special education or related services from a public agency, the public agency shall:

(a) Initiate and conduct meetings to develop, review and revise an individualized education program for the child, in accordance with Reg. 300.343; and

(b) Insure that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the agency shall use other methods to insure participation by the private school, including individual or conference telephone calls.

(20 U.S.C. 1413(a)(4)(A).)

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

NOTE: The Department is considering publishing a separate document concerning the education of handicapped children placed in parochial or other private schools by their parents. Questions concerning IEPs for those children would be addressed in that document.

REGULATIONS

Reg. 300.349 Individualized education program — accountability.

Each public agency must provide special education and related services to a handicapped child in accordance with an individualized education program. However, Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and objectives.

(20 U.S.C. 1412(2)(B); 1414(a)(5), (6); Cong. Rec. at H 7152 (daily ed., July 21, 1975).)

Comment. This section is intended to relieve concerns that the individualized education program constitutes a guarantee by the public agency and the teacher that a child will progress at a specified rate. However, this section does not relieve agencies and teachers from making good faith efforts to assist the child in achieving the objectives and goals listed in the individualized education program. Further, the section does not limit a parent's right to complain and ask for revisions of the child's program, or to invoke due process procedures, if the parent feels that these efforts are not being made.

DEPARTMENT OF EDUCATION POLICY INTERPRETATION: IEP Requirements

60. *Is the IEP a performance contract?*

No. Reg. 300.349 makes it clear that the IEP is not a performance contract that imposes liability on a teacher or public agency if a handicapped child does not meet the IEP objectives. While the agency must provide special education and related services in accordance with each handicapped child's IEP, the Act does not require that the agency, the teacher, or other persons be held accountable if the child does not achieve the growth projected in the written statement.

[The next page is 103:71.]

© 1981 CRR Publishing Company, Washington, D.C. 20005

ATTACHMENT V

SAMPLE FORMS (RESERVED)

83

LOCAL SCHOOL SYSTEM INFORMATION

Parental Consent for Evaluation

_____
(Date)

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Name)

Your child was referred by _____, _____ and
(Name) (Title)
was recommended for evaluation by the Student Support Team or other appropriate source. We would like to arrange for an individual evaluation to gather more information about how to better meet your child's needs.

If you have any questions about why we feel your child needs testing or want to know more details about the evaluation, please call your child's school.

If you agree to have this evaluation done, you can request to know the exact time and place that it will occur. You will have a chance to discuss the results within 30 school days following the evaluation. You will also be invited to a meeting to discuss the findings. No changes will be made in your child's educational program until we hold the meeting.

The individual evaluation may include tests in the following areas: vision, hearing, motor skills, social/emotional, achievement, speech/language or others. An explanation of these areas is included. Your parental rights are included, which show that you have certain rights regarding consent and evalaution procedures.

Please sign below to let us know whether or not you agree for testing to take place and return this letter to

_____. If you do not return this form within two weeks, we will contact
(Name)
you about your decision.

Thank you for your cooperation.

Sincerely,

_____ _____
(Name) (Title)

_____ Yes, I agree for the _____ School System to evaluate my child.

_____ No, I do not agree for the following reasons: _____

_____

_____ _____
(Signature of Parent/Guardian/Surrogate) (Date)

Attachments

LOCAL SCHOOL SYSTEM INFORMATION

Typical Areas for Evaluation

The assessment areas listed below are examples of those typically addressed in an assessment of a student's abilities. The list does not include every area that might be assessed nor may all areas listed be assessed. The evaluator will choose specific tests that are thought to be best for the student's age, grade and physical abilities. Parents will be given specific information on the tests used at the time the results are reviewed and at any subsequent Special Education IEP/Staffing Committee meetings. Certain tests may be administered only by specially trained, certified or otherwise qualified examiners. The term **psychological evaluation** refers to a comprehensive assessment which may include tests in several of the following areas.

VISION — A visual screening to determine the student's visual acuity. If additional testing is indicated, the student may be referred to a medical eye specialist for further evaluation. If visual problems are indicated, other tests (achievement, psychological, etc.) will be selected to be nondiscriminatory in terms of the vision impairment or these tests may be postponed until the visual problem can be corrected.

HEARING — An audiometric screening to determine the student's hearing acuity. This screening may include puretone or impedence audiometry. If additional testing is indicated, the student may be referred to an audiologist or medical specialist. If a hearing impairment is indicated, other tests (achievement, psychological, etc.) will be selected to be nondiscriminatory in terms of the hearing impairment.

ACHIEVEMENT — These tests may be group or individual tests to determine the student's current level of academic functioning. Areas which may be included are: oral expression; listening comprehension; written expression; basic reading skill; reading comprehension; mathematics calculation and mathematics reasoning.

MOTOR — Testing may involve determination of the student's gross and fine motor skill development, including abilities to perform functional, school-related tasks and any deficits experienced in physical activities related to the educational program.

INTELLIGENCE — Includes an individually administered test of general intelligence. These tests are used to measure different types of cognitive abilities such as comprehension, visual and auditory perception, visual and auditory memory, vocabulary, etc. Results on tests of these kind are required for entry into certain programs in special education.

SPEECH/LANGUAGE — Testing includes assessment of a student's articulation, language, fluency, voice, and adequacy of the oral mechanism. For the non-verbal student, the assessment will explore alternative communication systems.

SOCIAL/EMOTIONAL — Testing includes an assessment of the student's ability to interact appropriately in everyday situations within the family, the school and the community. Such tests may include checklists, parental and/or teacher interviews, as well as paper/pencil tasks for the student, and observation of the student in the classroom. Projective tests are included as possible means of assessments for some areas of disabilities.

VOCATIONAL — Factors related to expected vocational levels are examined. Areas of assessment may include evaluation of scholastic abilities, manual dexterity, clerical (typically including perceptual speed and accuracy), mechanical reasoning, spatial reasoning, career interests and functional motor skills.

LEARNING STYLES/COGNITIVE ABILITY — These types of tests examine individual learning strengths and weaknesses that may be helpful in determining needed classroom adaptations.

OTHER — In the process of assessing a student's strengths and weaknesses, the evaluator may need to use additional tests in order to gain a better understanding of the student's learning strengths and needs.

LOCAL SCHOOL SYSTEM INFORMATION

Notice of Special Education IEP/Placement Committee Meeting

Type of Meeting:
_____ Initial
_____ Review

_____
(Date)

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Name)

There will be a meeting of the Special Education IEP/Placement Committee concerning

your child _____ at _____
(Student) (School)

on _____ at _____.
(Date) (Time)

The purpose of this meeting will be to review all relevant information about your child and to determine an appropriate program and least restrictive educational environment for your child. If your child is eligible for special education services, an Individualized Education Program (IEP) will be developed. For students with disabilities, 16 years or older, transition services will be discussed. Placement recommendations for special education and/or related services will be based on the IEP.

The following people have been invited to attend this meeting:

Name	**Title**
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

You are invited and urged to participate in this committee meeting. You may be accompanied to this meeting by a third party if you wish. If you choose to bring a third party, we request three days notice prior to the meeting. If you would like more information about this meeting or would like the meeting date and/or time changed, please call

_____ at _____, or contact your child's teacher or principal.

Sincerely,

_____, _____
(Name) (Title)

Please check one and return this form to _____:

_____ I will attend the meeting for _____.
(Student)

_____ I will not be attending the meeting and understand that I may request a copy of the committee recommendations.

Signed: _____ _____
(Parent/Guardian/Surrogate) (Date)

LOCAL SCHOOL SYSTEM INFORMATION

Letter to Parent(s) Not In Attendance At Initial IEP/Placement Meeting

_____
(Date)

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Student)

We regret that you were not able to attend the special education Individualized Education Program (IEP)/Placement Committee meeting held on _____. Attached is a copy of the minutes of the meeting that describes the options we discussed and the information we used to make our decision. Our final recommendation was for _____
(Date) (Student)

A. _____ to continue in his/her current educational program. If other considerations are necessary, they should be addressed through the local school Student Support Team (SST).

B. _____ to participate in the special education program(s) listed on the attached parental consent for placement form. An IEP was developed that describes all identified service needs. Please sign the attached parental consent for placement form to let us know your decision and return it to _____
(Name)
at _____.
(School)

If we do not hear from you within two weeks, we will contact you to find out your decision.

You may agree or disagree with this recommendation. If you have any questions, we will be glad to talk to you or set up another meeting. Please call _____ at _____
(Name/Title) (Telephone Number)
if you would like to discuss this further.

Thank you for working with us to help meet your child's needs.

Sincerely,

_____
(Name)

_____
(Title)

Attachments

LOCAL SCHOOL SYSTEM INFORMATION

Parental Consent for Placement

This is to certify that I understand that at the special education Individualized Education Program (IEP)/Placement Committee meeting held on _____ (Date),

it was recommended that _____ (Student) participate in the following special education program(s)/services:

_____

_____

_____

_____

I understand that this recommendation includes all the service needs identified in my child's IEP.

_____ Yes, I do agree with this placement.

_____ No, I do not agree with this placement for the following reasons:

_____

_____

_____

_____
(Signature of Parent/Guardian/Surrogate)

_____
(Date)

A copy of Parental Rights in Special Education is included.

System Use Only:

Date of Birth: _____

FTE#: _____

LOCAL SCHOOL SYSTEM INFORMATION

Prior Notice for Reevaluation

School: _____ Date: _____

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Student)

Reevaluation of students with disabilities must be completed at least every three years in order to determine current needs and eligibility for continued placement. The reevaluation by qualified personnel may include tests in the following areas: vision, hearing, motor skills, intelligence, social/emotional, achievement, speech/language or other tests. An explanation of these areas is included.

You will be invited to a meeting to discuss the findings. No changes will be made in your child's educational program until an IEP/Placement Committee meeting is held.

Parental Rights in Special Education are included with this letter.

Sincerely,

_____
(Name)

_____
(Title)

Attachments

LOCAL SCHOOL SYSTEM INFORMATION

Notification of Local Mediation

_____
(Date)

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Student)

The _____ School System requests a mediation conference

with you on _____ at _____. The purpose of this conference
(Date) (Address)

is to discuss educational needs for _____
(Student)

and to provide the opportunity to meet informally to resolve our differences regarding proposed special education services. You are not required to participate in mediation and may bypass this process and request a hearing. Mediation will not interfere with required time lines for the hearing process.

You may be accompanied to the mediation conference by a third party. If you choose to bring someone with you, we request prior notice. A written agreement will be developed, signed by both parties and made available to both parties at the end of the mediation. A copy of parent rights are included.

During the pendency of any administrative or judicial proceedings regarding a complaint, unless the school system and the parents of the student agree otherwise, the student involved in the complaint will remain in his or her present education placement.

If the complaint involves an application for initial admission to public school, the student, with the consent of the parents, will be placed in the public school program until the completion of all proceedings.

We look forward to this opportunity to meet with you regarding your child's educational needs. If you have any questions prior to this meeting, please let me know.

Sincerely,

_____
(Name)

_____
(Title)

Attachments

LOCAL SCHOOL SYSTEM INFORMATION

Notification of Local Hearing

_____
(Date)

Dear Parent/Legal Guardian/Surrogate Parent of _____:
(Student)

Due to a request by _____, a hearing has been scheduled
(Name of Parent or Public Agency)
with a regional hearing officer for the purpose of evaluating the appropriateness of the decision of _____

_____ Special Education IEP/Placement Committee concerning
(School System)

_____'s proposed educational program. The hearing must occur
(Student)
within 20 calendar days of the receipt of the written request, and will be conducted

on _____ at _____
(Date) (Address)

and begin at _____.
(Time)

As the parent of _____, you may inspect, at reasonable times, copies of all records pertaining to your child developed by the school system or by its agents or employees, including all tests or reports upon which the proposed placement action was based.

The regional hearing officer must consider independent medical, psychological or educational evaluations by a certified or licensed examiner which may be presented as evidence.

In addition, you may be represented, at your own expense, by counsel or other individuals at any stage of the hearing process.

The above hearing will be closed to the public unless you request to the regional hearing officer that the hearing be open to the public. However, in such an instance, the school system's attorney, appropriate staff members of the local board of education and other persons requested by either the school system or you and approved by the regional hearing officer may be present.

Both parties may present testimony or evidence to the regional hearing officer and both parties will have the opportunity to question witnesses. Either party may lawfully subpoena or compel the attendance of witnesses during the due process hearing. All proceedings will be recorded on tape or by other appropriate means. The regional hearing officer has the authority to confirm or reject the decision of all concerned parties.

During the pendency of any administrative or judicial proceedings regarding a complaint, unless the school system and the parents of the student agree otherwise, the student involved in the complaint will remain in his or her present education placement.

If the complaint involves an application for initial admission to public school, the student with the consent of the parents, will be placed in the public school program until the completion of all proceedings.

Within 25 calendar days following the conclusion of the hearing, the written decision of the regional hearing officer will be submitted to you and the local board of education. The regional hearing officer may grant specific extensions of these time lines at the request of either party.

The written decision of the regional hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the hearing and written recommendations of fact supporting the reasons for the decision.

The written findings or decision of the regional hearing officer are to be transmitted to the State Advisory Panel for Special Education after deleting any personally identifiable information.

Sincerely,

_____
(Name)

_____
(Title)

LOCAL SCHOOL SYSTEM INFORMATION

Notice/Authorization to Release Information

I hereby authorize: _____

_____

_____

_____

_____

to release confidential records for:

Student's Full Name: _____

Birthdate: _____ School: _____ Grade: _____

To: _____

_____

_____

_____

_____

It is understood that the party to whom this information is released will not release it to a third party without appropriate consent.

Records to be Released

_____ Consent Forms
_____ Psychological Assessment
_____ Special Education Placement/Minutes
_____ IFSP/IEP/Annual Review
_____ Medical Records
_____ Eligibility Report
_____ Other: _____

Reason(s) for Release

_____ Educational Planning Purposes
_____ Other: _____
_____
_____

I understand and agree to the above statement.

Signature of Parent/Guardian/Surrogate Parent: _____

Date: _____

This is to notify you, the parent, that I have released the above student's records to:

_____
(School System)

Signature of School System Representative: _____

Date: _____

LOCAL SCHOOL SYSTEM INFORMATION

YOUR RIGHTS AS PARENTS — REGARDING SPECIAL EDUCATION

As a parent of a child who has been referred for special education services or who is already receiving special education benefits, you and your child have certain rights which are protected by state or federal law. We want you to know about these rights.

RECORDS:

1.) Right to inspect and review education records regarding identification, evaluation, educational placement, and provision of a free appropriate public education, without unnecessary delay, after parents' request and before any meeting regarding an IEP or hearing and, in no case, more than 45 days after request.
2.) Right to have a representative appointed by you to review the records.
3.) Right to reuqest that the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.
4.) Right to have the agency presume that a parent has authority to inspect and review records of his or her child unless agency has been advised that parent does not have authority under state law.
5.) Right to inspect and review only the information relating to their child if any education record includes information on more than one child.
6.) Right to have the public agency keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
7.) Right to have the participating agency search for or retrieve information without charge.
8.) A parent may be charged a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records..
9.) Right to be informed of all types and locations of records being collected, maintained or used by the agency.
10.) Right to ask for an explanation of any item in the records.
11.) Right to ask for an amendment of any record if it is inaccurate, misleading or violates the privacy or other rights of the child.
12.) Right to be informed of refusal and right to a hearing if the agency refuses to make the requested amendment.
13.) Right to have the agency decide whether to amend the information within a reasonable time after being asked to do so.
14.) Right to be informed if the agency decides in a hearing that the information is inaccurate, misleading or violative of the child's rights and the right to have the record amended.
15.) Right to be informed of the parent's right to place a statement in the record commenting on information or setting forth the parents' reasons for disagreeing with the agency decision if it is decided in a hearing that information need not be amended.
16.) Right to have the parents' explanation maintained in the record as long as the contested record is maintained.
17.) Right to have the parents' explanation disclosed if the contested record is disclosed.

CONFIDENTIALITY OF INFORMATION:

1.) Right to restrict access to your child's records by withholding consent to disclose records.
2.) Right to be notified and receive copies before information in your child's file is destroyed.
3.) Right to be told to whom information has been disclosed.
4.) Right to review and receive copies of all information sent to another agency where your child seeks or is eligible to enroll.

INDEPENDENT EVALUATION:

1.) Right to obtain an independent evaluation by a qualified examiner.
2.) Right to have the independent evaluation obtained at either public or private expense considered in either meetings where placement or program decisions are made or in a hearing regarding a free appropriate public education.
3.) Right to be told where an independent evaluation may be obtained at no expense or low expense.
4.) Right to an independent evaluation at public expense under the same criteria as those used by the public agency under which the evaluation is obtained, including the location of the evaluation if you disagree with the agency's evaluation, except that the public agency has the right to initiate a hearing regarding a free appropriate public education to show that its evaluation is appropriate.
5.) Right to an independent evaluation at public expense when the evaluation is requested by a hearing officer during a hearing. "Evaluation" means procedures used in accordance with §§ 300.530-300.534 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class. "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the

public agency responsible for the education of the child in question. "Independent educational evaluation at public expense" means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

NOTICE:

1.) Right to be notified and present at all meetings before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation, placement or provision of a free appropriate public education.
2.) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public.
3.) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected.
4.) Right to be notifed of each evaluation procedure, test, record or report the agency has used as a basis for any agency-proposed action or basis for refusal.
5.) Right to a description of any other factors which are relevant to the agency's proposed action or basis for refusal.
6.) Right to be present at all IEP meetings.
7.) Right to a notice that includes a full explanation of all the procedural safeguards available to the parents.
8.) Right of a parent, whose native language or other mode of communication is not a written language, to have the notice translated oraly or by other means in his or her native language or other mode of communication; the right to understand the content of the notice; and the right to written evidence that these requirements have been met.

CONSENT:

1.) Right to give consent before a preplacement evaluation is conducted.
2.) Right to give consent before initial placement can be made in special education.
3.) Right to a description of the activity for which consent is requested including a list of records (if any) which will be released and to whom.
4.) Right to revoke consent at any time.
5.) Right of the agency to proceed, in the absence of consent, to a hearing to determine if your child should be evaluated or initially placed. Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. "Consent" means that: (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication; (b) The parent understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and (c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

HEARINGS:

1.) Right to request local mediation and/or impartial due process hearing to question the agency's identification, evaluation or placement of your child or to question the agency's provision of a free appropriate public education.
2.) Right to be told of any free or low-cost legal and other relevant services available (e.g., an expert on disability conditions that may be a witness at the hearing when the parent requests information or parent or agency initiates a hearing).
3.) Right to a hearing conducted by the state educational agency.
4.) Right to have the hearing chaired by a hearing officer who is not employed by a public agency involved in the education of your child or otherwise personally or professionally interested in the hearing (the hearing officer is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer).
5.) Right to a list of the persons who serve as hearing officers, including a statement of the qualifications of each of those persons.
6.) Right of parents or parties to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the disabled.
7.) Right to have your child present.
8.) Right to have the hearing open to the public.
9.) Right of parents or parties to present evidence and confront, cross-examine and compel the attendance of witnesses.
10.) Right of parents or parties to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing.
11.) Right of parents or parties to have a written or electronic verbatim record of the hearing.
12.) Right of parents or parties to obtain written findings of fact and a written decision within 45 days after the local education agency received the initial request for the hearing, except that the hearing officer may grant a specific extension of time at the request of either party.
13.) Right of parents or parties to a final decision made by the hearing officer, unless a party brings a civil action.
14.) Right to have a hearing or an appeal set at a time and place reasonably convenient to you and your child.
15.) Right of aggrieved parents or parties to appeal the decision of the hearing officer by bringing a civil action in state or federal court.

16.) Right to have your child remain in his or her present educational placement until completion of all hearing and appeal proceedings, unless you and the agency agree otherwise.
17.) Right to have child placed in the public school program until the completion of all the proceedings if the complaint involves an application for initial admission to the public school.
18.) Under the Disabled Children's Protection Act, P. L. 99-372 [20 U.S.C. 1415(e)(4)(B)], parents who prevail in a due process hearing or a court action may recover attorney's fees and costs as ordered by the court. Attorney's fees and costs in such cases cannot be awarded by regional or state hearing officers.

EVALUATION PROCEDURES:

1.) Right to have a full and individual evaluation of your child's educational needs.
2.) Right to have the evaluation made by a multidisciplinary team including at least one specialist with knowledge in the area of the suspected disability.
3.) Right to have your child assessed in all areas related to the suspected disability.
4.) Right to have appropriate tests administered by qualified examiners.
5.) Right to have more than one criterion used in determining the appropriate educational program for your child.
6.) Right to have the evaluation made in your child's native language or mode of communication.
7.) Right to have a reevaluation every three years.
8.) Right to have a reevaluation in less than three years if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1.) Right to have your child educated with non-disabled children to the maximum extent appropriate.
2.) Right to have your child remain in a regular education environment, unless a special class or separate school is needed. (Removing a child from a regular class environment should be done only when the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.)
3.) Right to have a continuum of alternative placements so that removal from the regular educational program can be the least restrictive situation.
4.) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement.
5.) Right to have placement in the school your child would attend if non-disabled, unless the child's individualized education program requires some other arrangement, and right to participate in non-academic and extra-curricular services and activities such as meals, recess, counseling, athletics and special interest groups.

SURROGATE PARENTS:

Each public agency shall ensure that an individual is assigned to act as a surrogate for the parents of a child when no parent can be identified; the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or the child is a ward of the State under the laws of the State. The agency must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.

The public agency may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of a public agency which is involved in the education of care of the child, has no interest that conflicts with the interest of the child he or she represents, and has knowledge and skills that ensure adequate representation of the child. (An individual is not disqualified as an agency employee from appointment as a surrogate solely because he or she is paid by the agency to serve as a surrogate parent.)

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child.

CONCLUSION:

As parents of a child with disabilities, you and your child have many rights; and with these rights, there are certain responsibilities. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. You also are urged to assist the school by attending Individualized Education Program conferences and by keeping the lines of communication open at all times. When you have concerns about your child's education, it is important to tell your school pricipal or coordinator of special education. If you need further assistance in talking to people in the school system, there are advocacy and/or parent groups from whom you may obtain help. Also, you may contact the Georgia Department of Education and/or the GLRS Direction Service (see below). First and foremost, however, you should talk to your child's teacher, principal, the special education coordinator or other school administrators. Schools exist to help children grow and develop into capable adults, but schools need the help and cooperation of parents to accomplish their goals.

If you would like a further explanation of any of these rights, you may contact your local special education director, _____, or the Georgia Department of Education, Division for Exceptional Students, Suite 1952, Twin Towers East, 205 Butler Street, S.E., Atlanta, Georgia 30334-5060, 404-656-3963, or the GLRS Direction Service (1-800-282-7552).

As approved by Office of Special Education Programs, U.S. Department of Education, December 23, 1993.

ATTACHMENT VI

A PARENT'S CHECKLIST

THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A Parent's Checklist

(Adapted from the Bay Area Coalition for the Handicapped, Saratoga, California)

General

The Individualized Education Program (IEP) is the cornerstone of the Individuals with Disabilities Education Act (IDEA) and is the primary tool for parents in their quest to obtain appropriate education for their child with a disability. Within the IEP, the listing of the educational services (special education and related services) unique to the needs of the student is by far the most critical element. To be sure the other elements of the IEP, such as present levels, goals, criteria and particularly duration of services, are included, each parent should make sure they accurately reflect essential facts necessary to serve the student appropriately; but it is special education and related services which are provided in conformity with the IEP which constitutes and defines an appropriate education under the law.

The following checklist, is intended as a "memory jogger" for parents in the preparation or review of services to be listed in the IEP. It does not cover all possible points you may need to consider for your child, just as all points may not need to be addressed in a specific child's IEP. By definition, the IEP is individual and unique. It is hoped that the following list will trigger in your mind consideration of the types of services that are essential to your child's IEP if his or her needs are to be met.

Checklist

1. What are your child's days and hours of instruction?
   a. How much instructional time should your child have? Is there a minimum acceptable? Is there a maximum beyond which the time would be nonproductive or intolerable?
   b. How do you define instructional time? Does it include recess, lunch, snack time, recreation, unstructured activity, etc.?
   c. Is there a need to place a limit on or a requirement for free time earned or given your child? Daily? Hourly?
   d. Does there need to be a limit on the total time of the school day?
   e. Should there be any special restrictions unique to your child?
2. What types of training or curriculum does your child need?
   a. Does your child need reading, writing, spelling, math, science, social studies, speech therapy, adaptive physical education, vocational, prevocational, socialization, living skills, survival skills, gross motor, fine motor, sensory motor, etc.?
   b. Should your child have a minimum number of minutes per day of each? A minimum number of times per week? Maximums?
   c. Does your child require a structured setting?
   d. Is there a need for special equipment or materials to work effectively with your child? Braille? Recorder?
   e. Should your child have homework? How much? How received and returned?
   f. Does your child require special classroom support such as a sign language interpreter?
3. Does your child have special requirements with respect to the physical facilities and environment?
   a. Does your child need special physical accessibility? What kind? Assistance to move about?
   b. Will your child's instruction be provided in different rooms or locations at different times? How does he/she move between locations? Is he/she protected? Are there field trips? Community based instruction?
   c. Does your child have any special diet or medication requirements? Allergies?
   d. Are there any other restrictions to be placed or directions to be given to ensure your child's safety?
4. To what extent should your child be integrated or mainstreamed with regular education students?
   a. What is the least restrictive environment for your child? Joining in with regular education students? Being separated and protected from regular education students? Some mixture of the foregoing, dependent on the activity?
   b. Will part of the child's instruction be in regular classrooms? What class? What subject(s)? How long? What time of day? What days?
5. Does your child need special handling or assistance during his or her free time at school?
   a. Does your child require protective supervision, for self or others? On the playground? In a room?

b. Does he or she require structure even in free time?

c. Because of the disability does your child require an alternative to playground recreation?

d. In how large a group is the child's free time spent? With regular classroom students or separate from them?

e. Does your child require special support during free time, such as assistance in eating, or an interpreter for sign language? Any special equipment? Assistance in mobility?

f. Are there any other special restrictions or safety precautions which should be specified?

6. Does your child have to be transported to and from school?

   a. Who will provide the transportation? The school? The parents? A public carrier?

   b. If the school provides the transportation by bus or service car, how long will the child be on the bus? Will an aide or special equipment be required for safety? Is it necessary that the child be escorted to and picked up at the classroom?

   c. Are there any other restrictions or special instructions unique to the needs of your child?

7. What kinds of routine communications will you have with the school on your child's progress and welfare?

   a. Will you receive a written report on your child's progress? How often? What will it cover? Will your child's work papers be sent home? How often?

   b. Will the school notify you of any unusual event or problems associated with your child? When? How?

   c. Will the school obtain your permission before trying a new or unusual technique in working with your child? When? By what means?

Final Notes

1. Are you ready for your IEP meeting? Have a draft of the services you want listed? Other elements of the IEP? Copies of files, laws, regulations, etc.?

2. Remember — if you and the school disagree on your child's need for a service, you may make a written request for mediation and/or a due process hearing.

ATTACHMENT VII

GEORGIA LEARNING RESOURCES SYSTEM (GLRS) DIRECTORY

The Georgia Learning Resources System (GLRS) is a statewide network consisting of 17 Centers. These centers provide support services to local special education programs. GLRS services include Child Find, direction services, in-service training, instructional resources, information and diagnostic services. Anyone seeking information regarding services for students with disabilities should contact their local GLRS Center by using the attached directory.

GEORGIA DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL SERVICES
DIVISION FOR EXCEPTIONAL STUDENTS

GEORGIA LEARNING RESOURCES SYSTEM (GLRS)

January, 1994

Coordinator
Georgia Learning Resources System
Consultant
Personnel Preparation

1966 Twin Towers East
Atlanta, Georgia 30334
(404) 657-9966/GIST 294-9966/FAX (404) 651-6457

1. COASTAL AREA GLRS
Armstrong State College
Room 109 Victor Hall
11935 Abercorn Street
Savannah, GA 31419-1977
(912) 927-5239
(800) 827-5239/GIST 369-5239
FAX (912) 921-5498

Satellite Centers
*Todd Grant School
Darien, GA 31305
(912) 437-6675
*Camden Middle School
1300 Middle School Road
Kingsland, GA 31548
(912) 729-3113
*Burroughs-Molette Elementary School
1900 Lee Street
Brunswick, GA 31520
(912) 267-4130

SERVES SYSTEMS IN: Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh Counties

2. EAST CENTRAL GLRS
308 Academy Avenue
Dublin, GA 31021
(912) 275-2548
FAX (912) 275-2549

SERVES SYSTEMS IN: Baldwin, Bleckley, Dodge, Hancock, Jasper, Johnson, Laurens, Montgomery, Pulaski, Putnam, Telfair, Treutlen, Washington, Wheeler, Wilcox, Wilkinson Counties; Dublin City

3. EAST GEORGIA GLRS
3108 Lake Forest Drive
Augusta, GA 30909
(706) 731-8777
(800) 282-7552
FAX (706) 738-6445

SERVES SYSTEMS IN: Burke, Columbia Emanuel, Glascock, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Screven, Taliaferro, Warren, Wilkes Counties

*Satellite of Preceding Center

4. METRO EAST GLRS
Jim Cherry Center
2415-C North Druid Hills Road, NE
Atlanta, GA 30329
(404) 325-3011
FAX (404) 329-0544

SERVES SYSTEMS IN: DeKalb, Fulton, Gwinnett, Rockdale Counties; Buford, Decatur Cities.

5. METRO SOUTH GLRS
Griffin RESA
P.O. Drawer H
Griffin, GA 30224
(404) 229-3247/GIST 253-7311
FAX (404) 229-3251

SERVES SYSTEMS IN: Butts, Fayette, Henry, Lamar, Newton, Pike, Spalding, Upson Counties; Thomaston City

6. METRO WEST GLRS
Metro RESA
2268 Adams Drive, N.W.
Atlanta, GA 30318
(404) 352-2697
FAX (404) 352-2676

SERVES SYSTEMS IN: Clayton, Cobb, Douglas Counties; Atlanta, Marietta Cities

7. MIDDLE GEORGIA GLRS
3769 Ridge Avenue
Room 104, Alexander IV School
Macon, GA 31204
(912) 471-5400
FAX (912) 471-5433

SERVES SYSTEMS IN: Bibb, Crawford, Houston, Jones, Monroe, Peach, Twiggs Counties

8. NORTH GEORGIA GLRS
Route 4, Box 4389
Cleveland, GA 30528
(706) 865-2043 (706) 865-2141
FAX (706) 865-6748

SERVES SYSTEMS IN: Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, White Counties; Gainesville City

9. NORTH CENTRAL GLRS
Route 3, Box 232-A
Ellijay, GA 30540
(706) 276-1111 FAX (706) 276-1114

SERVES SYSTEMS IN: Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield Counties; Dalton City

10. NORTHEAST GEORGIA GLRS
Northeast Georgia RESA
375 Winter Drive
Winterville, GA 30683
(706) 742-8292/GIST 241-7675
FAX (706) 742-8928

SERVES SYSTEMS IN: Barrow, Clarke, Elbert, Green, Jackson, Madison, Morgan, Oconee, Oglethorpe, Walton Counties; Commerce, Jefferson, Social Circle Cities.

11. NORTHWEST GEORGIA GLRS
P.O. Box 99
Lindale, GA 30147-0099
(706) 295-6189
GIST NOs. 231-6189/6190/6069/6070
FAX (706) 295-6098

SERVES SYSTEMS IN: Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Haralson, Paulding, Polk, Walker Counties; Bremen, Calhoun, Cartersville, Chickamauga, Rome, Trion Cities

12. SOUTH CENTRAL GLRS
1310 Bailey Street
Waycross, GA 31501
(912) 285-6191/GIST 368-6191
FAX (912) 287-6654

SERVES SYSTEMS IN: Atkinson, Bacon, Brantley, Charlton, Clinch, Coffee, Pierce, Ware Counties

13. SOUTH GEORGIA GLRS
2476 James Road
Valdosta, GA 31601
(912) 333-5226/GIST 349-5226
FAX (912) 333-5314

SERVES SYSTEMS IN: Ben Hill, Berrien, Brooks, Cook, Echols, Irwin, Lanier, Lowndes, Tift, Turner Counties; Valdosta City

14. SOUTHEAST GEORGIA GLRS
Sally Meadows Campus
P.O. Box 483
Vidalia, GA 30474
(912) 537-7797
FAX (912) 537-7732
1-800-858-7251

SERVES SYSTEMS IN: Appling, Bulloch, Candler, Evans, Jeff Davis, Tattnall, Toombs, Wayne Counties; Vidalia City

15. SOUTHWEST GEORGIA GLRS
P.O. Box 1470
433 Mercer Avenue
Albany, GA 31701 (912) 432-9151
FAX (912) 435-1528

SERVES SYSTEMS IN: Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas, Worth Counties; Pelham, Thomasville Cities

16. WEST CENTRAL GLRS
99 Brown School Drive
Grantville, GA 30220
(404) 583-2528
FAX (404) 583-3223

SERVES SYSTEMS IN: Carroll, Coweta, Heard, Meriwether, Troup Counties; Carrollton City

17. WEST GEORGIA GLRS
Claflin Center
1532 5th Avenue
Columbus, GA 31901
(706) 649-0742
FAX (706) 649-0597

C/S Coordinator
4312 Harrison Avenue
Columbus, GA 31904
(706) 649-0700

SERVES SYSTEMS IN: Chattahoochee, Clay, Crisp, Dooly, Harris, Macon, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor, Webster Counties; Americus City

---

SPECIAL PROJECT
Director
Georgia Center for the Multihandicapped
542 Church Street, Suite 150
Decatur, GA 30030
(404) 378-5433
FAX (404) 371-8245

GLRS DIRECTION CENTER TOLL-FREE NUMBER
1-800-282-7552

ATTACHMENT VIII

IEP TOTAL SERVICE PLAN CHECKLIST

INDIVIDUALIZED EDUCATION PROGRAM/TOTAL SERVICE PLAN

SELF-STUDY

QUESTIONS/CONCERNS	YES	NO	COMMENT
1. Type of staffing? (Initial, Review)			
2. Date of this Total Service Plan Indicated?			
3. IDENTIFYING DATA ON STUDENT:			
a) Name?			
b) Grade level?			
c) Date of birth?			
d) School?			
e) Other as preferred?			
4. PRESENT LEVEL OF PERFORMANCE:			
a) Are summary statements given, rather than test scores only?			
b) Do comments reflect student's current strengths and weaknesses?			
c) If test scores are included, is it shown how they impact on the student's need for special education?			
d) Are comments made about all areas of concern to show why s/he needs special education?			
5. ANNUAL GOALS:			
a) Do Annual Goals show what might be expected this school year in special education for this student?			
b) Are they less broad than lifetime goals?			
c) Are goals realistic?			
d) Do annual goals specify specific expected educational outcomes?			
e) Are annual goals developed for each special education service provided?			
6. SHORT-TERM OBJECTIVES:			
a) Does each short-term objective (STO) have a measurable, observable verb in the stem?			
b) Does the STO describe what will be done by student, related to present level of performance?			
c) Are there at least two STOs for each Annual Goal?			
d) Do STOs suggest milestones toward the Annual Goal to be accomplished during this period of time?			
e) Are criteria for mastery and method of evaluation for each objective **realistic**?			
— and **individualized**?			
— and **based on present level of performance?**			
— and **filled in?**			
f) Is a variety of methods for evaluation of various objectives used?			
g) Is there an indication of how this IEP will be reviewed?			
— Mastery of each objective addressed?			
— Date of specific mastery of each objective filled in?			
7. RECOMMENDED SPECIAL EDUCATION AND RELATED SERVICES:			
a) Is program area preferably spelled out? (i.e., Learning Disabilities)			
b) If more than one exceptionality, is each named?			
c) Is Adapted PE; O.T.; P.T.; etc. named if needed?			
d) Special transportation arrangements?			
e) When will IEP begin (initiation date)?			
f) How many hours per week of each service?			
g) Duration — is it a school year or less, unless specified by placement committee?			

QUESTIONS/CONCERNS	YES	NO	COMMENT
8. REGULAR CLASS PLACEMENT: a) Are determinations made regarding Basic Skills Test, First Grade Readiness Assessment, graduation requirements, third grade promotion test, as appropriate?			
b) Are notes made concerning special needs (tests on tape, interpreters, etc.)?			
c) Are the hours per week in regular education indicated?			
9. COMMITTEE MEMBERS PRESENT: a) Are at least two LSS representatives shown, in addition to the parents?			

AD
April, 1990

ATTACHMENT IX

DUE PROCESS CHECKLIST

DUE PROCESS CHECKLIST

SYSTEM/AGENCY _____

DATE: _____

Student's Name: _____ DOB __/__/__ School _____ Grade _____

Student's Primary Disability _____ Secondary Disability _____

INFORMATION CONTAINED IN THE FOLDER	YES	NO	N/A
1. Access Sheet on file (includes name, date and purpose)			
2. SST Information documents needs for special education referral			
a. Information includes modifications provided for student			
b. Date referred to special education ... Date: __/__/__			
c. Documentation of reason if directly referred to special education			
3. Parental consent for evaluation (includes list of tests to be given) ... Date signed: __/__/__			
Documentation of rights given to parents			
4. Vision screening conducted Date __/__/__ Results P F Follow-up if necessary			
Hearing screening conducted Date __/__/__ Results P F Follow-up if necessary			
5. Psychological (current/within three years of last evaluation) ... Date: __/__/__			
6. Eligibility established (Eligibility Report) ... Date: __/__/__ *(Do not write in this space)*			
7. Parent(s) notified of IEP meeting including time, purpose and location _____ Date sent: __/__/__			
Names and/or titles of participants who will be in attendance			
Student invited to transition meeting			
Agency personnel invited, if appropriate			
8. Current IEP on file (reviewed annually) ... Date: __/__/__			
a. Statement of student's present level of performance *(Do not write in this space)*			
b. Annual Goals address deficits and relate to present level of performance *(Do not write in this space)*			
c. Short-term objectives which relate to annual goals *(Do not write in this space)*			
d. Evaluation procedures specified for each short-term objective			
e. Projected date for review specified for each short-term objective			
f. Specific special education/related services and time indicated			
g. Time in regular education indicated			
h. Transition services addressed (if appropriate)			
i. Regular or adapted physical education addressed			

	YES	NO	N/A
j. Special transportation addressed			
k. Initiation and duration of special education services addressed			
l. At least two LEA representatives involved in IEP meeting			
9. Parental consent for placement ..... Date signed: ___/___/___			
Documentation of rights given to parents			
10. Placement minutes provide information related to placement (Options considered, rejected and rationale)			

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

AUTISM (A)

1. Comprehensive psychological evaluation
   A. Intellectual functioning
   B. Adaptive behavior
   C. Dates and results

2. Educational evaluation
   A. Educational performance
   B. Current functioning levels are indicated

3. Communication evaluation (includes assessment of verbal and nonverbal communication)

4. Behavioral evaluation which may include assessments of social interaction, participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects, or other behaviors often associated with autism.

5. Developmental history (developmental differences and delays, general age of onset)

6. Conclusion
   A. Identifies and documents the characteristic areas of autism

      1. Developmental rates and sequences/basis for determination
      2. Social interaction and participation/basis for determination
      3. Communication (verbal and nonverbal)/basis for determination
      4. Sensory processing (if appropriate)/basis for determination
      5. Repertoire of activities and interests (if appropriate)/basis for determination

   B. Documents the characteristics associated with autism and the adverse effect on educational performance

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

DEAF-BLIND (DB)

1. Audiometric evaluation/summarizes results *(Annual audiogram is attached)*

2. Otological evaluation by otologist *(Otological report is attached)*
   Documents a hearing impairment

3. Ophthalmological or optometric examination *(Current report attached)*
   Documents a vision impairment

4. Educational evaluation includes instruments used, dates and results

5. Conclusion
   Summarizes evaluation information which supports a combined hearing and vision impairment that creates a severe communication, developmental and learning need that cannot be solely addressed by eligibility in hearing or vision impairments.

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

1. Documentation of prior extension of services indicates interventions and results

2. Evidence of comprehensive case study which includes:

   A. Psychological and date
   Summarizes and interprets assessment results which indicate the presence of significant emotional factors that are affecting educational performance

   B. Educational history
   Summarizes significant deficits in educational performance that include formal and informal learning of academic material, social and personal skills

   C. Social history
   Summarizes significant data, including discipline records, that support emotional factors affecting performance in a variety of settings

   D. Behavioral observation
   Summarizes behavioral observation(s) and/or checklists that indicate the incidence of one or more of the characteristics of emotional and behavioral disorders over a significant period of time

3. Conclusion

   A. Identifies and discusses one or more characteristics of emotional and behavioral disorders over a period of time as evidenced by the case study.

   B. Summarizes the intensity, frequency and duration of one or more of the characteristics of emotional and behavioral disorders that significantly interfere with educational performance

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

HEARING IMPAIRMENT (HI)

1. Audiometric evaluation

   A. Summarizes the overall results of audiological examination report by certified/audiologist and dates

   B. Audiogram is attached (required annually)

2. Otological evaluation

   A. Summarizes the overall results of otologic examination report by licensed physician, date and results within 90 days of initial placement or if recommended by audiologist

   B. Otological report is attached

3. Educational evaluation indicates instruments (formal or informal) used and summarizes results in each of the following areas:

   A. Receptive/expressive language abilities
   B. Receptive/expressive communication abilities
   C. Academic achievement or developmental skill level
   D. Social/emotional adjustment
   E. Observational data of classroom performance and functioning
   F. Psychological (optional)

4. Conclusion
   Documents that the hearing impairment interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language and academic achievement.

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

HOSPITAL/HOMEBOUND

1. Date of referral from licensed physician indicates that the student has a medically diagnosed physical condition and will be restricted to the home or hospital but is physically able to participate in educational instruction.

2. Referral form indicates the projected length of absence from school to be 10 consecutive school days or longer, or that the student has a chronic health condition causing the student to be absent for intermittent periods of time during the school year.

3. For identified special education students, the date of the IEP review where hospital/homebound services were recommended is included.

(Note: There is no eligibility **report** for the H/H program.)

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

INTELLECTUAL DISABILITY
Mild (MID) / Moderate (MOID) / Severe (SID) / Profound (PID)

1. Intellectual evaluation includes more than one formal measure of intelligence, dates, a summary of results and the student's strengths and weaknesses

2. Educational evaluation includes instruments utilized, dates, and a narrative summary of results

3. Adaptive behavior assessment includes a summary of formal and informal instruments, interviews, observations, etc., from multiple sources

4. Educationally relevant medical data is included (when applicable)

5. Conclusion
   Summarizes the results of the comprehensive evaluation and indicates deficits in both intellectual functioning and adaptive behavior

6. An intellectual disability is indicated at one of the following levels:

   A. Mild intellectual disability (IQ of approximately 70 to 55)

   B. Moderate intellectual disability (IQ of approximately 55 to 40)

   C. Severe intellectual disability (IQ of approximately 40 to 25)

   D. Profound intellectual disability (IQ below approximately 25)

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

ORTHOPEDIC IMPAIRMENT (OI)

1. Medical evaluation (Current within one year for initial placement and within three years thereafter)

   A. Includes date, physician and results

   B. Includes diagnosis/prognosis of the orthopedic impairment and any medical implications for instruction

   C. Includes current information regarding surgeries, medications, special health care procedures, special diet, activity restrictions, or other relevant information

   D. Attached to eligibility report

2. Educational evaluation

   A. Includes dates, instruments and results

   B. Indicates that academic deficits have resulted from the orthopedic impairment

3. Psychological evaluation with dates, instruments and results (if indicated, due to apparent deficits in cognitive/academic functioning), OR psychological evaluation is not indicated

4. Significant educational deficits are indicated

5. Conclusion
   Summarizes the documentation that significant educational deficits have resulted from the orthopedic impairment

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

OTHER HEALTH IMPAIRMENT (OHI)

1. Medical evaluation (Current within one year for initial placement and within three years thereafter)

   A. Includes dates, physician and results

   B. Includes diagnosis/prognosis of the health impairment and any medical implications for instruction

   C. Includes medical information regarding limitations to strength, vitality, or alertness; special health care procedures; special diet; activity restrictions; or other relevant information

   D. Attached to eligibility report

2. Educational evaluation

   A. Includes dates, formal and informal assessments and results

   B. Indicates that academic deficits have resulted from the health impairment

3. Psychological evaluation with dates, instruments and results (if indicated, due to apparent deficits in cognitive/academic functioning), OR psychological evaluation is not indicated

4. Significant educational deficits are indicated

5. Conclusion
   Summarizes the documentation that significant educational deficits have resulted from the health impairment

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

SIGNIFICANT DEVELOPMENTAL DELAY (SDD)
Preschool Special Education (Ages 3 through 5)

1. Assessment — scores/results are reported in standard deviations (SD) from the mean or developmental expectancy

2. Assessments are completed in all five of the following skill areas using more than one assessment technique

   Cognition
   Communication
   Physical development (Gross/fine motor)
   Adaptive development
   Social/emotional development

3. Conclusion
   Results document 2 SDs below the mean in one or more of the five skill areas OR 1.5 SDs below the mean in two or more of the five skill areas

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

SEVERE EMOTIONAL AND BEHAVIORAL DISORDER (SEBD)

1. Documentation of prior extension of services

2. Evidence of comprehensive case study which includes:

   A. Psychological evaluation — Includes date and significant results and/or diagnosis

   B. Psychiatric evaluation, if appropriate — Includes date and significant results

   C. Educational evaluation — Summarizes significant deficits

   D. Appropriate social history — Summarizes significant data, including disciplinary records, that supports emotional factors affecting performance in a variety of settings

   E. Behavioral observation(s) and/or checklists
   Summarizes results which indicate one or more of the characteristics of severe emotional and behavioral disorders over a significant period of time

3. Conclusion

   A. Identifies and discusses the data that document the severity of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders exhibited over a significant period of time as evidenced by the case study

   B. Summarizes the intensity, frequency and duration of one or more of the characteristics of severe emotional and behavioral disorders that significantly interfere with educational performance

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

SPECIFIC LEARNING DISABILITY (SLD)

1. Alternative approaches to curriculum

2. Psychological evaluation — Includes instruments utilized, dates and results, verbal, performance and full scale scores, and are administered within last 12 months for initial referral

3. Learning behaviors/psychological processes — Indicates source of information and strength or weakness
   A. Attending
   B. Organization
   C. Discrimination/Perception
   D. Sensory Integration
   E. Sequencing
   F. Memory
   G. Conceptualization/Reasoning
   H. Language

4. Educational evaluation — Includes instruments utilized, dates and results of two assessments per deficit area
   A. Severe discrepancy areas (7)
      1. Oral expression
      2. Listening comprehension
      3. Written expression
      4. Basic reading skills
      5. Reading comprehension
      6. Mathematics calculation
      7. Mathematical reasoning

   B. A statement of status is included for each of the seven areas of learning deficit
   C. The severe discrepancy area(s) is/are identified
   D. Learning strengths (Academic performance supports estimated overall ability of average or higher)

   ***Note:** Achievement data, scores, and interpretation are current within 90 school days.

5. Supporting evidence
   A. Classroom observation is summarized *(relates to reason for referral)*
   B. Analyzed work samples verify the area of deficient learning behaviors *(Are attached to eligibility report)*
   C. Educationally relevant medical information is included, if applicable

6. Exclusionary factors have all been considered

7. Conclusion
   A. The student achieves commensurate with age and ability when provided appropriate learning experiences OR
   B. There is a severe discrepancy and the student is judged to have an SLD
   C. Nature of the specific learning disability — Identifies the basic psychological processes which are manifested in the severe discrepancy between actual achievement and expected performance

8. Signatures of concurring team members including names and positions
   School psychologist, SLD teacher, classroom teacher signatures are required

9. Signature(s) of dissenting team members including names and positions (Report Attached)

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

SPEECH-LANGUAGE IMPAIRMENT (SI)

1. Evaluation and Assessment

   A. At least one screening measure or procedure in all areas is documented *(Including oral screening)*

   B. Results of two or more measures or procedures (at least one must be formal) are documented in the area of deficit
      1. Articulation
      2. Language
      3. Fluency
      4. Voice *(date and results of evaluation by a laryngologist for voice quality disorders)*

   C. Oral screening results

2. Eligibility considerations are addressed

3. Conclusion

   A. States type and severity of the SI

   B. Provides a summary statement of the effect of the speech impairment on the student's educational performance (academic or non academic)

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

TRAUMATIC BRAIN INJURY (TBI)

1. Summary of information describes the student's **pre-injury** functioning status

2. Verification of the presence of TBI

   A. Medical evaluation report

      1. Includes date, physician, diagnosis and prognosis

      2. Is attached to the eligibility report

   B. Summary of information from previous medical evaluation or other source that verifies the presence of TBI (if current medical evaluation is inconclusive regarding the presence of TBI)

      1. Includes date(s), sources and information obtained

      2. Attached to eligibility report

3. Neuropsychological, psychological or psychoeducational evaluation
   Includes date(s), instruments and results of **current** evaluation

4. Conclusion
   Summary statements indicate that significant educational deficits have resulted from the traumatic brain injury

GEORGIA DEPARTMENT OF EDUCATION
DIVISION FOR EXCEPTIONAL STUDENTS

Program Review Unit
Eligibility Requirements

VISUAL IMPAIRMENT (VI)

1. Medical evaluation

   A. Includes date and results of eye examination

   B. Indicates diagnosis, visual acuity, prognosis and recommendations

   C. Report from optometrist or ophthalmologist is attached

2. Educational Evaluation

   A. Includes dates, instruments and results of educational evaluation

   B. Documents the effect of the visual impairment on the student's educational performance

3. Conclusion
   Indicates that the visual impairment impacts on the student's educational functioning

ATTACHMENT X

ELIGIBILITY REPORTS

123

_____ Initial
_____ Reevaluation

Deaf-Blind (D/B)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data
A. Audiometric Evaluation - Attach annual audiogram. Summarize results.

Date(s): _____

Results: _____

_____

B. Otological Evaluation - Attach current otological report which should document the hearing impairment by an otologist. Summarize results.

Date(s): _____

Results: _____

_____

C. Ophthalmological or Optometric Examination - Attach current report which should document the vision impairment. Summarize results.

Date(s): _____

Results: _____

_____

D. Educational Evaluation

Date(s)	Instrument(s)	Results

5/94

II. Conclusion

Summarize the evaluation information which supports that the combined hearing and vision impairments create such severe communication and other developmental and learning needs that the student's needs cannot be addressed solely by eligibility in hearing impairments or visual impairments.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ The student does meet Deaf-Blind eligibility criteria.
_____ The student does not meet Deaf-Blind eligibility criteria.

Prepared by _____ Position _____

_____ Initial
_____ Reevaluation

Hearing Impairment (HI)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data

A. Audiometric Evaluation - Attach audiogram (required annually). Summarize comprehensive written report and overall results.

Date(s)	Results

B. Otological Evaluation - Attach otology report (required within 90 days of initial placement or if recommended by audiologist). Summarize results.

Date(s)	Results

C. Educational Evaluation - Indicate instruments (formal or informal) used; summarize results in narrative form.

1. Receptive/Expressive Language Abilities (e.g., syntax, semantics, phonology)

Date(s)	Instruments	Results

5/94

2. Receptive/Expressive Communication Abilities
(e.g., pragmatics, mode(s))

Date(s)	Instruments	Results

3. Academic Achievement or
Developmental Skill Level (Preschool)

Date(s)	Results

4. Social/Emotional Adjustment

Date(s)	Instruments	Results

5. Observational Data of Classroom Performance and Functioning

Date(s)	Results

6. Psychological (optional)

Date(s)	Instruments	Results

II. Conclusion

Provide documentation that the hearing impairment interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language and academic achievement.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ The student does meet Hearing Impairment eligibility criteria.
_____ The student does not meet Hearing Impairment eligibility criteria.

Prepared by _____ Position _____

_____ Initial
_____ Reevaluation

Significant Developmental Delay (SDD)
Eligibility Report
Preschool Special Education (Ages 3 through 5)

_____ School System

Student _____

Date of Birth _____ Date of Report _____

Scores/results must be reported as standard deviation scores.

I. Evaluation and Assessment Data: (Child must be assessed in all five skill areas.)

Skill Area(s):	Instrument(s)	Standard Deviation from Mean/ Developmental Expectancy:
A. Cognition	1.	1.
	2.	2.
Observation		
B. Communication	1.	1.
	2.	2.
Observation		
C. Physical Development (Gross/Fine Motor)	1.	1.
	2.	2.
Observation		
D. Adaptive Development	1.	1.
	2.	2.
Observation		

5/94

Significant Developmental Delay
Eligibility Report-Page 2

Skill Area(s):	Instrument(s):	Standard Deviation from Mean/ Developmental Expectancy:
E. Social/Emotional Development	1.	1.
	2.	2.

Observation

_____

II. Conclusion

(To demonstrate a significant developmental delay (SDD), a preschool child shall score at least two standard deviations below the mean in one or more of the five skill areas or at least one and one-half standard deviations below the mean in two or more of the five skill areas. Assessment results for identified areas of SDD must be documented above in terms of standard deviations below the mean for the instrument utilized. Any area of SDD must be documented by results of at least two assessment measures.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ The student does meet SDD eligibility criteria.

_____ The student does not meet SDD eligibility criteria.

Prepared by _____ Position _____

5/94

_____ Initial
_____ Reevaluation

Speech-Language Impairment (SI)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data
Eligibility shall be determined based on the results of two or more measures or procedures, at least one of which must be formal, administered in the area of impairment.

A. Articulation:

Date(s)	Instrument(s)	Results

B. Language:

Date(s)	Instrument(s)	Results

C. Voice:

Date(s)	Instrument(s)	Results

D. Oral Screening:

Date(s)	Instrument(s)	Results

E. Fluency:

Date(s)	Instrument(s)	Results

F. Other:

Date(s)	Instrument(s)	Results

II. Eligibility Considerations

	YES	NO	N/A	COMMENTS
Are articulation errors due to dialectal differences?				
Are articulation errors due to maturational/developmental factors?				
Are tongue thrust behaviors associated with articulation problems?				
Are language problems due to limited English proficiency?				
Are language problems due to dialectal differences?				
Are auditory processing problems associated with specific language problems?				
Does the speech-language disorder have a negative impact on educational performance? (academic or non-academic)				

5/94

	YES	NO	N/A	COMMENTS
For voice quality problems, is there a statement of status of the vocal mechanism from a laryngologist on file?	____	____	____	_____

Other: (Please specify) _____

_____

III. Conclusion: State the type and severity of the speech-language impairment and provide a summary of the effect of the speech-language impairment on the student's educational performance (academic or non-academic).

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ The student does meet SI eligibility criteria.

_____ The student does not meet SI eligibility criteria.

Prepared by _____ Position _____

5/94

_____ Initial
_____ Reevaluation

Traumatic Brain Injury (TBI)
Eligibility Report

_____School System

Student _____

Date of Birth _____ Date of Report _____

I. Summary of Student's Pre-Injury Functioning Status (through previous formal evaluations, developmental assessments, achievement tests, grade reports, classroom observations, or other sources)

Date(s) Source(s)/information obtained

_____

_____

_____

_____

II. Verification of the Presence of TBI (through one of the following)

(A) Medical evaluation report*

Date of evaluation: _____ Physician: _____

Diagnosis, prognosis, other information reported:

_____

_____

_____

(B) Other information source (if current medical evaluation is inconclusive regarding the presence of TBI)*

Date(s) Source(s)/information obtained

_____

_____

_____

_____

*Attach report(s) to this form.

5/94

III. Neuropsychological, Psychological, or Psychoeducational Evaluation and Assessment Data.

Date(s)	Instrument(s)	Results

Based upon the above information, significant deficits are noted in the following areas (check all that apply):

_____ COGNITIVE (in areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive/expressive language and speed of language recall)

_____ SOCIAL/BEHAVIORAL (in areas such as awareness of self and others, interaction with others, response to social rules and adaptive behavior)

_____ PHYSICAL/MOTOR (in areas such as speech production, hearing and vision acuity, eye-hand coordination, mobility and physical endurance)

IV. Conclusion

Indication that significant educational deficits have resulted from the traumatic brain injury.

_____

_____

_____

_____

_____ The student does meet TBI eligibility criteria.

_____ The student does not meet TBI eligibility criteria.

Prepared by _____ Position _____

5/94

_____ Initial
_____ Reevaluation

Visual Impairment (VI)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data

A. Medical
(Attach report from optometrist or ophthalmologist which describes the vision disorder.)

(Note the corrected distance visual acuity for each eye, as reported by the optometrist or ophthalmologist, and the date of the report.)

Date(s)	OD (right eye)	OS (left eye)

B. Educational Evaluations [Document the effect of the visual impairment on the student's educational performance.]

Date(s)	Instrument(s)	Results

5/94

II. Eligibility Determination

Indication that the visual impairment impacts on the student's educational functioning.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ The student <u>does</u> meet VI eligibility criteria.
_____ The student <u>does not</u> meet VI eligibility criteria.

Prepared by _____ Position _____

5/94

_____ Initial
_____ Reevaluation

Autism (AUT)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data

Summarize the evaluation and assessment data documenting the presence of the characteristics of autism:

A. Psychological Report Date: _____
Comprehensive evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.

_____

_____

_____

_____

B. Educational evaluation to include an assessment of educational performance and current functioning levels.

_____

_____

_____

_____

C. Communication evaluation to include assessment of verbal and nonverbal communication.

_____

_____

_____

SAMPLE

D. Behavioral evaluations which may include assessments of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects, and other behaviors often associated with autism:

_____

_____

_____

_____

E. Developmental history to include developmental differences and delays and general age of onset.

_____

_____

_____

_____

II. Conclusion

A. Identify and provide documentation of the characteristic areas of autism.

1. Developmental rates and sequences. Basis for determination:

_____

_____

_____

_____

2. Social interaction and participation. Basis for determination:

_____

_____

_____

_____

SAMPLE

3. Communication (verbal and/or nonverbal). Basis for determination:

_____

_____

_____

_____

4. Sensory processing, if appropriate. Basis for determination:

_____

_____

_____

5. Repertoire of activities and interests, if appropriate. Basis for determination:

_____

_____

_____

_____

B. Summarize documentation of the characteristics of autism and the adverse effect on educational performance.

_____

_____

_____

_____

_____

_____ The student <u>does</u> meet Autism eligibility criteria.

_____ The student <u>does not</u> meet Autism eligibility criteria.

Prepared by _____ Position _____

SAMPLE

_____ Initial
_____ Reevaluation

_____ Mild (MID)
_____ Moderate (MoID)

___ Severe (SID)
___ Profound (PID)

Intellectual Disability Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data

A. Intellectual Functioning (more than one formal measure of intelligence) Indicate evaluation results, strengths, weaknesses.

Date(s)	Instrument(s)	Results

B. Comprehensive Educational Assessment

The comprehensive educational assessment should support the information obtained from the assessment of mental ability utilizing appropriate tests. Assessment results should be described by naming the instruments, dates of administration, and a narrative summary of the student's abilities. It is important to utilize measures specifically designed to test an individual student's abilities/deficits.

Date(s)	Instrument(s)	Narrative Summary

Revised
8/94

SAMPLE

C. Adaptive Behavior (summary of formal and informal instruments, interviews, observations, etc.).

Date(s)	Instrument(s)	Results

Informal Observation(s): _____

_____

D. Educationally Relevant Medical Data

Include major illnesses, medication, seizure activity, etc. which may affect the student's ability to perform in school.

_____

_____

_____

_____

II. Conclusion

Basis for making the determination of eligibility. Demonstrate correlation or relationship of all of the factors presented above to document clearly the determination that the student has a disability.

_____

_____

_____

_____

_____

_____ The student <u>does</u> meet eligibility criteria for _____
(insert appropriate level: MID, MoID, SID, or PID)

_____ The students <u>does not</u> meet eligibility criteria for _____
(insert appropriate level: MID, MoID, SID, or PID)

Prepared by _____ Position _____

SAMPLE

_____ Initial
_____ Reevaluation

Emotional and Behavioral Disorder (EBD)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Prior Extension of Services

A. Summarize the provision of services beyond the regular program as documented by the Student Support Team on_____ [date(s)]. Include interventions such as school counseling, modifications of the regular program, parent contacts, behavior management strategies, etc., and results of those interventions.

Interventions Results

_____

_____

_____

II. Evaluation and Assessment Data

A. Evidence of a comprehensive case study including:

1. Psychological Report Date: _____
(Summarize and interpret assessment results which indicate the presence of significant emotional factors affecting educational performance).

_____

_____

_____

2. Educational history (Summarize significant deficits in educational performance that include formal and informal learning of academic material, social and personal skills).

_____

_____

_____

Revised
8/94

SAMPLE

3. Social history (Summarize significant data gathered, including the student's discipline records, if appropriate, that support emotional factors affecting performance in a variety of settings).

_____

_____

_____

_____

4. Behavioral observation(s) and/or checklists(s) (Summarize the results indicating the incidence of one or more of the characteristics of emotional and behavioral disorders over a significant period of time).

_____

_____

_____

_____

III. Conclusion

A. Identify and discuss one or more of the following characteristics of emotional and behavioral disorders exhibited over a period of time as evidenced by the case study:

____ 1. An inability to maintain or build satisfactory interpersonal relationships with peers and/or teachers.

Basis for determination:_____

_____

_____

____ 2. An inability to learn which cannot be adequately explained by intellectual, sensory, or general health factors.

Basis for determination:_____

_____

_____

SAMPLE

_____ 3. Consistent or chronic inappropriate type of behavior or feelings under normal conditions.

Basis for determination:_____

_____

_____

_____ 4. Displayed pervasive mood of unhappiness or depression.

Basis for determination:_____

_____

_____

_____ 5. Displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.

Basis for determination:_____

_____

_____

B. Summarize the intensity, frequency and duration of one or more of the characteristics of emotional and behavioral disorders that significantly interfere with educational performance.

_____

_____

_____

_____

_____

_____ The student <u>does</u> meet Emotional and Behavioral Disorder eligibility criteria.

_____ The student <u>does not</u> meet Emotional and Behavioral Disorder eligibility criteria.

Prepared by _____ Position _____

SAMPLE

_____ Initial
_____ Reevaluation

Severe Emotional and Behavioral Disorders (SEBD)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Prior Extension of Services

A. Summarize the provision of services beyond the regular program as documented by the Student Support Team on_____.
date(s)

Include interventions such as school counseling, alternative classroom assignments, parent contacts, behavior management strategies, emotional and behavioral disorders classroom, etc., and results of those interventions.

Interventions Results

_____

_____

_____

II. Evaluation and Assessment Data

A. Evidence of a comprehensive case study including assessment results which indicate the presence of significant emotional factors:

1. Psychological Report Date: _____
(Summarize and interpret assessment results which indicate the presence of significant emotional factors affecting educational performance).

_____

_____

_____

2. Psychiatric evaluation, if appropriate.

_____

_____

_____

Revised
8/94

SAMPLE

SAMPLE

3. Educational history (Summarize significant deficits in educational performance that include formal and informal learning of academic material, social and personal skills).

_____

_____

_____

4. Social history (Summarize significant data, including the student's disciplinary records, if appropriate, that support emotional factors affecting performance in a variety of settings).

_____

_____

_____

5. Behavioral observation(s) and/or checklist(s) (Summarize the results indicating one or more of the characteristics of severe emotional and behavioral disorders over a significant period of time).

_____

_____

_____

III. Conclusion

A. Identify and discuss the data that document the severity of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders exhibited over a period of time as evidenced by the case study.

_____ 1. An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. Basis for determination:

_____

_____

_____

_____ 2. An inability to learn which cannot be adequately explained by intellectual, sensory or health factors. Basis for determination:

_____

_____

_____

_____ 3. Consistent or chronic inappropriate type of behavior or feelings under normal conditions. Basis for determination:

_____

_____

_____

_____ 4. Displayed pervasive mood of unhappiness or depression. Basis for determination:

_____

_____

_____

_____ 5. Displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. Basis for determination:

_____

_____

_____

B. Summarize the intensity, frequency and duration of one or more of the characteristics of Severe Emotional and Behavioral Disorders that significantly interfere with educational performance.

_____

_____

_____

_____ The student <u>does</u> meet Severe Emotional and Behavior Disorders eligibility criteria.

_____ The student <u>does not</u> meet Severe Emotional and Behavior Disorders eligibility criteria.

Prepared by _____ Position _____

SAMPLE

_____ Initial
_____ Reevaluation

Specific Learning Disability (SLD)
Eligibility Team Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Description of alternative approaches to curriculum attempted prior to referral, including but not limited to SST interventions.

Specific Modification(s)	Date(s)	Length of Time and Results

II. Evaluation and Assessment Data (Administered within the last 12 months for initial SLD eligibility.)

A. Psychological Evaluation

Date(s)	Instrument(s)	Results

Revised
8/94

SAMPLE

B. Learning Behaviors/Psychological Processes (Check the behaviors that are applicable.)

	Source of Information	Strength	Weakness
Attending			
Concentration	_____	_____	_____
Distractibility	_____	_____	_____
Organization	_____	_____	_____
Discrimination/Perception			
Auditory	_____	_____	_____
Visual	_____	_____	_____
Sensory Intergration			
Visual Motor	_____	_____	_____
Spatial ability	_____	_____	_____
Sequencing			
Auditory	_____	_____	_____
Visual	_____	_____	_____
Memory			
Short-term Auditory	_____	_____	_____
Long-term Auditory	_____	_____	_____
Short-term Visual	_____	_____	_____
Long-term Visual	_____	_____	_____
Conceptualization/Reasoning			
Verbal Reasoning	_____	_____	_____
Nonverbal Reasoning	_____	_____	_____
Abstract Reasoning	_____	_____	_____

Comments, if any. _____

_____

_____

_____

SAMPLE

C. Educational Evaluation. (Each identified deficit shall be confirmed by at least two valid measures of performance. The primary measure shall be an individually administered standardized instrument that specifically assesses the learning area. The second measure of a deficit area may be an individually administered or a group administered instrument. Achievement data, scores, and interpretation shall be current, i.e., within 90 school days.)

Seven Areas of Learning Deficit	Statement of Status	Type of Assignment or Instrument Used	Standard Score
Oral Expression		1.	SS
		2.	SS
Listening Comprehension		1.	SS
		2.	SS
Written Expression		1.	SS
		2.	SS
Basic Reading Skills		1.	SS
		2.	SS
Reading Comprehension		1.	SS
		2.	SS
Mathematical Calculation		1.	SS
		2.	SS
Mathematical Reasoning		1.	SS
		2.	SS

SAMPLE

D. Severe Discrepancy Area(s)
For initial placement, a severe discrepancy exists between ability and achievement when, on a common scale with a mean of 100 and a standard deviation (SD) of 15, an achievement score is 20 or more points lower than the cognitive ability score.

For a student undergoing reevaluation, a severe discrepancy is defined as a difference of 15 points between standard scores on a cognitive ability test and a standardized achievement test on a common scale with a mean of 100 and a SD of 15.

A severe discrepancy is demonstrated in the following area(s):

_____

_____

E. Learning Strength(s). (Academic performance that supports estimated overall ability of average or higher.)

_____

_____

_____

III. Supporting Evidence:

A. Classroom Observation (Summarize observation information and relate to reason for referral.)

Date:_____ Observer:_____ Position:_____

_____

_____

_____

B. Analyzed classroom work samples illustrating referral problem and/or deficient learning behaviors. (Shall be attached to eligibility team report.)

C. Educationally relevant medical information:_____

_____

_____

IV. Severe Discrepancy is Primarily the Result of:

	Yes	No
Intellectual Disability	_____	_____
Hearing or Vision Impairment	_____	_____
Emotional/Behavioral Disorder	_____	_____
Environmental Disadvantage	_____	_____
Cultural Disadvantage	_____	_____
Economic Disadvantage	_____	_____
Motor Impairment	_____	_____
Atypical Educational History		
Irregular school attendance	_____	_____
Attendance at multiple schools	_____	_____
Inappropriate or insufficient teaching	_____	_____
Motivational Problems	_____	_____

Comments, if any _____

_____

SAMPLE

V. Conclusion:

	Yes	No
1. The student achieves commensurate with his/her age and ability when provided appropriate learning experiences.	_____	_____
2. There is a severe discrepancy between achievement and measured potential and ability which is not correctable without clinical/specialized techniques that are fundamentally different from those available in the regular classroom or in basic remedial/ tutorial approaches.	_____	_____

3. Nature of specific disability. (Identify the basic psychological processes which are manifested in the severe discrepancy between actual achievement and expected performance.)

_____

_____

_____

_____

_____

_____

_____

VI. Signatures of Concurring Team Members:

1. _____ SLD Teacher

2. _____ School Psychologist

3. _____ Classroom Teacher

Signature(s) of Dissenting Team Member(s) (Report Attached)

_____ Position _____

_____ Position _____

_____ The student does meet SLD eligibility criteria.

_____ The student does not meet SLD eligibility criteria.

Revised
8/94

SAMPLE

_____ Initial
_____ Reevaluation

Orthopedic Impairment (OI)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Evaluation and Assessment Data

A. Medical Evaluation* (within one year for initial eligibility)

1. Date of evaluation: _____ Physician: _____

2. Diagnosis/prognosis of orthopedic impairment:

_____

_____

3. Information, as applicable, regarding surgeries, medications, special health care procedures, special diet or activity restrictions.

_____

_____

_____

B. Educational Evaluation

1. Date(s)	Instrument(s)	Results

2. Informal assessment(s) of educational performance (if completed):

Date(s)	Results

* Attach report to this form.

Revised
8/94

SAMPLE

C. Psychological Evaluation (if indicated, due to apparent significant deficits in cognitive/academic functioning):

Date(s)	Instrument(s)	Results

____ Psychological evaluation not indicated for this student. [Check if applicable.]

D. Based on the above information, educational deficits are noted in the following areas (check all that apply):

_____ pre-academic/academic functioning
_____ gross/fine-motor development
_____ social/emotional development
_____ other area(s) (specify): _____
_____ adaptive behavior
_____ communication skills

_____

_____

II. Conclusion

Summarize the documentation that educational deficits have resulted from the orthopedic impairment.

_____

_____

_____

_____

_____ The student <u>does</u> meet OI eligibility criteria.

_____ The student <u>does not</u> meet OI eligibility criteria.

Prepared by _____ Position _____

SAMPLE

_____ Initial
_____ Reevaluation

Other Health Impairment (OHI)
Eligibility Report

_____ School System

Student _____

Date of Birth _____ Date of Report _____

I. Educational and Assessment Data

A. Medical Evaluation* (within one year for initial eligibility)

1. Date of evaluation: _____ Physician: _____

2. Diagnosis/prognosis of health impairment:

_____

3. Information regarding limitations to strength, vitality and/or alertness. Also provide, as applicable, information on medications, special health care procedures, special diet or activity restrictions.

_____

_____

_____

B. Educational Evaluation

1. Date(s) Instrument(s) Results

_____

_____

_____

2. Informal assessment(s) of educational performance (if completed):

Date(s) Results

_____

_____

* Attach report to this form.

Revised
8/94

SAMPLE

C. Psychological Evaluation (if indicated, due to apparent significant deficits in cognitive/academic functioning):

Date(s)	Instrument(s)	Results

____ Psychological evaluation not indicated for this student. [Check if applicable.]

D. Based on the above information, educational deficits are noted in the following areas (check all that apply):

_____ pre-academic/academic functioning
_____ gross/fine-motor development
_____ social/emotional development
_____ other area(s) (specify):

_____ adaptive behavior
_____ communication skills

_____

_____

II. Conclusion

Summarize the documentation that educational deficits have resulted from the health impairment.

_____

_____

_____

_____

_____ The student <u>does</u> meet OHI eligibility criteria.

_____ The student <u>does not</u> meet OHI eligibility criteria.

Prepared by _____ Position _____

Revised
8/94

SAMPLE

ATTACHMENT XI

TRANSITION SERVICES

TIPS

FOR

TRANSITION

Prepared by:

The Division for Exceptional Students
Georgia Department of Education

for the:

G-CASE Conference
October 14 -15, 1993

INTRODUCTION

There are many diverse and creative ways that transition services can be addressed, using the resources within the school and the events and activities that usually take place there. Parents and teachers can take advantage of what is naturally occurring in the school setting to practice and apply the skills important to successful transition.

It is important for the IEP team to realize that planning for transition services is not designed to predict what an individual will be doing in twenty years, but rather is to design transition activities for developing skills that will be relevant twenty years from now.

While some transition activities might be related to acquiring a specific skill, many of the activities should represent learning the basic skills that cut across any domain. For example, while learning how to use a speciffc piece of equipment essential to a particular occupation might be worthwhile if the student is absolutely going into that work setting, focusing on skills that affect many post-school activities such as punctuality may be more useful.

Tips for Transition provides:

Section 1: Minimal Required Components of the Transition Process

Section 2: Examples

Section 3: Definitions and Further Discussion of Regulatory Language

Section 4: Letter from the Office of Special Education (OSEP), March 31, 1993

MINIMAL REQUIRED COMPONENTS OF THE TRANSITION PROCESS

REMINDERS FOR THE IEP/PLACEMENT COMMITTEE

BEFORE THE MEETING:

- For any IEP meeting where transition services will be considered, the student must be invited.
- If appropriate, a representative from an agency, that is likely to be responsible for providing or paying for transition services, must be invited.
- The written notice to parents concerning an IEP meeting where transition services will be considered must indicate this purpose, and that the student, along with any appropriate agency representative, will be invited.

DURING THE MEETING:

- Be sure to document how the IEP team considered the student's interests and aptitudes (whether or not the student attends the meeting), when developing transition services.
- The student's interests, preferences and/or aptitudes may be in the form of assessment results gathered from formal evaluations and/or an informal compilation of information.
- Make sure transition services/activities in the following areas are documented:
  - — instruction
  - — community experiences
  - — development of employment and other adult living objectives
  - — daily living skills and functional vocational evaluation, if appropriate
- If any of the above areas are not addressed for a student, record why and the basis for that determination.
- If appropriate, include a statement of each public agency's and each participating agency's responsibilities or linkages or both, before the student leaves the school setting.

AFTER THE MEETING:

- If the agency is invited to attend a meeting and does not do so, the school must document, through the IEP process, the alternatives to obtain the participation of the other agency in the planning of transition.
- If the agency fails to provide the agreed upon transition services, the IEP/Placement Committee must develop and document alternative strategies, through the IEP process.

WHERE TO INCLUDE THE DISCUSSION OF TRANSITION SERVICES

Many systems are developing diverse and creative ways to meet the required components of IDEA.

- Options for where to document transition services are:
  - — The Individualized Education Program (IEP)
  - — Minutes
  - — A transition section of the IEP

Highlight this section of the IEP for easy identification of the required transition components.

EXAMPLE A

STUDENT'S NEEDS/PREFERENCES/INTERESTS/APTITUDES

Student has expressed an interest in computers and has demonstrated in the coursework that he has a certain aptitude for computer keyboarding skills. Academically, Student is maintaining a B-C average in coursework with modifications in reading comprehension. Parents are interested in Student attending post-school training but will need information on financial aid.

ANTICIPATED POST-SCHOOL ACTIVITIES

Student plans on attending Local College. Depending on the availability of financial aid, Student will either live at home or live in the dormitory on campus. Student will work with the special needs coordinator at the College.

COORDINATED SET OF ACTIVITIES

Instruction: teach test-taking, study skills, and learning strategies; teach skills needed for academic success; teach a modified curriculum for attaining Carnegie units; teach reference skills and report writing using the library; teach computer skills (word processing, spread sheet, etc.); allow additional time for taking the High School Exit Exam.

Community Experience: visit selected post-secondary schools, meet with special needs coordinators, look at housing options and identify skills needed for that option, look at transportation needs and identify skills needed for that option, provide work-study opportunities in the community related to career interests.

Employment and Other Post-School Adult Living Objectives: assist Student in career exploration; offer vocational classes geared toward student's interest and preferences; teach employability skills; explore training opportunities; assist Student in acquiring desirable work habits and attitudes toward work; provide instruction in banking skills, budgeting, food preparation, time management, medical care, insurance, etc.

Daily Living Skills and Functional Vocational Evaluation: The committee determined that services are not needed in the Daily Living Skills area due to Student's potential to live and work independently. A Functional Vocational Evaluation is not needed due to the aptitudes and skills exhibited by Student. The committee anticipates that Student will be able to move successfully from school to post-school activities without transition services in these areas.

Interagency Linkages: The high school counselor and the special education teacher will provide information to Student and his parents regarding applying for admission to Local College and contacting the special needs coordinator at the College. Parents will contact the Georgia Student Finance Commission regarding financial aid.

EXAMPLE B

STUDENT'S NEEDS/PREFERENCES/INTERESTS/APTITUDES

Student has expressed an interest in working in a hospital setting, but has received no training in this area. Student has limited physical mobility and moderate intellectual disabilities. Student has been involved in learning some functional skills in the community through the school program (such as going to a restaurant, grocery shopping skills, personal safety skills, etc.). Student is friendly and communicates with a WOLF communication device, but has limited opportunities for social interaction. Mr. and Mrs. Parent expressed an interest in Student living outside the home sometime after graduation, however, financial assistance is needed. An ecological assessment has been done to determine the specific needs for Student currently and in future environments.

ANTICIPATED POST-SCHOOL ACTIVITIES

Supported employment, possibly in a hospital or other health-care setting. Assisted living situation in an apartment. Financial assistance/income support to maintain semi-independent living. Organized recreation/leisure activities in the community. Public transportation.

COORDINATED SET OF ACTIVITIES

Instruction: teach skills in the area of good work habits and job-related social skills, teach banking skills, grocery shopping and other consumer skills, teach a variety of leisure activities, teach personal grooming skills, teach socialization and friendship skills, teach computer and communication skills.

Community Experience: visit various hospital/nursing home/etc. type settings to become familiar with the career opportunities, participate in community-based instruction in a hospital and a nursing home, learn and use public transportation (bus, train, taxi), participate in leisure activities in the community.

Employment and Other Post-School Adult Living Objectives: work in a community based vocational program to build employment resume with emphasis on skills appropriate to a hospital setting (laundry room, cafeteria, dish room, janitorial, etc.), work with a job coach in a hospital setting (rotating possible career opportunities), explore personal medical care and other insurance needs, explore and plan for financial support for possible living situation.

Daily Living Skills and Vocational Assessment: refer to vocational rehabilitation for assessment and possible training at Cool Rivers Institute for Rehabilitation for job skills and independent living skills, instruction in skills relating to self care in any living arrangement student will be involved with.

Interagency Linkages: Vocational Rehabilitation, Cool Rivers Institute for Rehabilitation, Local Transit Company, Developmental Services for semi-independent living options, social security administration, local health department, local parks and recreation.

Reconvened the IEP/Placement Meeting
10/5/93

The committee reconvened because the Cool Rivers Rehabilitation Institute will be unable to provide job skills training and independent living skills training for Student this year due to funding cuts. The committee discussed alternative strategies that may be utilized. It was decided to add another community-based vocational instruction site so that Student will have increased opportunity to develop job skills. The site will be at a local motel for domestic service skills training. The home living center at County High School will be used for independent living skills training. The committee felt that these alternatives will enable Student to be prepared for supported employment and a semi-independent living situation upon leaving school. Mr. and Mrs. Parent are interested in contacting the local support group for persons with the same disability as Student to obtain information about other adult semi-independent living options available privately in the community.

The committee members present for this meeting were: Mr. and Mrs. Parent, Student, Mr. Teacher, and Ms. Special Education Director.

FURTHER DISCUSSION

EMPLOYMENT

Planning activities around employment does not necessarily dictate specific jobs, but rather the general skills and abilities necessary for seeking, securing, and maintaining employment. Some questions for consideration:

1. In what type of work is the student interested and/or what aptitude/skills have been demonstrated?
2. Based on the student's ability and interests, is it more appropriate for the student to be involved in competitive employment or some level of supported employment?
3. If the student has chosen a particular occupational field, does he or she have the skills and abilities needed to succeed in that field? What specific skills is the student missing?
4. Does the student know and use good employability skills?
5. What type of vocational training and/or academic, social, and communication skills are needed to help the student acquire relevant work skills and behaviors before he or she exits high school?
6. What types of accommodations/adaptations might the student need on the job?

SUPPORTED EMPLOYMENT

"Supported employment" means paid work in a variety of integrated settings, particularly regular work sites especially designed for students with severe disabilities, irrespective of age or vocational potential . . .

(1) For whom competitive employment at or above minimum wage has not traditionally occurred; and

(2) Who, because of their disability(ies), need intensive ongoing post-employment support to perform in a work setting. (Rehabilitation Act of 1992, P.L. 102-569)

POSTSECONDARY EDUCATIONAL ACTIVITIES

Based on whether or not the student is intending to pursue an academic or technically-oriented education, the nature and severity of the student's disability, and how it affects pursuing postsecondary education, this transition area might include:

- Learning of effective study habits
- Arranging for job tryouts

- Making arrangements for accommodations in test-taking
- Identifying and exploring options in postsecondary institutions
- Identifying the necessary accommodations and support services the student needs because of her or his disability
- Gaining the knowledge and skills to be successful in an academically-oriented world
- Participating in vocational training programs and/or continuing adult education programs

INDEPENDENT LIVING

Based on the needs of the student and the family, all of the skills needed to be successful in whatever living arrangement is appropriate for the student should be included in planning transition services. The continuum of living arrangements are broad and varied based upon the amount of supervision and/or assistance needed by the student. This component of transition may include:

- Skills needed for independent living to group living to institutional care
- Skills needed for accessing and meeting the eligibility requirements for group living arrangements (i.e., group homes, semi-independent apartments, etc.)

ELIGIBILITY FOR ADULT SERVICES

For many students, a successful transition into adulthood is contingent upon a successful transition from special education to the adult service delivery system. This component of transition may include:

- Investigating, identifying, and satisfying needed agencies' eligibility criteria to give the student a head start in accessing the appropriate services.
- Working to strengthen local community and interagency involvement through interagency councils, etc.

COMMUNITY PARTICIPATION

The end goal of transition is to live successfully in one's community. Therefore, the IEP should address what skills the young adult will need to function optimally in that setting.

Specific attention may need to be paid to two dimensions of community participation:

- recreation and leisure skills
- personal and social skills

DEFINITIONS

To understand what transition services are and what they mean to students with disabilities, it is important to look at the regulatory language, isolating key phrases and discussing their meanings.

Coordinated Set of Activities — this term includes both (1) linkage between the actual activities leading to transition outcomes, and (2) the **interrelationship** between the various agencies involved in the provision of transition services to **a student.**

The terms linkage and interrelationship indicate that the activities should complement and be coordinated with each other as well as the different agencies the IEP describes as being involved with **a student.** Coordination of the effort of providing transition services involves many service providers and this coordination effort is essential.

Outcome-oriented Process (The Individuals with Disabilities Education Act, P.L. 101-476, 34 CFR §300.18) — the term process refers to the method used to get the results of the intended effect that the planned transition services decided by the EP team will have for the student. The process involves planning for post-school experiences which are desired by the student when he/she reaches adulthood. These desired post-school experiences are to be considered when planning transition services for each student. There should be a link between the planned activities and the intended outcome and the written documentation of the process is what would be included on the IEP for transition services required by the IDEA.

Post-school Activities — the activities of transition services are designed to help students with disabilities move from public school to meaningful post-school experiences. Included in the IDEA are the following areas:

- postsecondary education
- vocational training
- integrated employment (including supported employment)

- continuing and adult education
- adult services
- independent living, or (the use of or indicates that the IEP does not have to contain activities in each of the listed items)
- community participation

The list is intentionally broad based and does not address just the employment future of students with disabilities, but also their future needs of life within the community.

PLANNING FOR TRANSITION

To accomplish long-range planning which may include appropriate vocational placement, instruction (both academic and vocational), the student's strengths and weaknesses, interests, aptitudes and abilities must be determined and documented in writing as part of the IEP.

Areas of discussion may include:

Behavior

Career Awareness and Maturity

Cognitive Ability

Learning Style

Perceptual Skills

Sensory and Motor Skills

Ecological Assessment

Vocational Assessment

Standardized Testing

Social Adjustment

This area of the transition process should naturally lead into looking at the various activities that, based on what was documented, would link the post-school outcomes desired by the student and the family.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

March 31, 1993

Mr. Art Cernosia
Northeast Regional Resource Center
Institute for Program Development
Trinity College of Vermont
Burlington, Vermont 05401

Dear Mr. Cernosia:

This is in response to your letter to Judy A. Schrag, former Director of the Office of Special Education Programs (OSEP), in which you seek clarification of the requirements of Part B of the Individuals with Disabilities Education Act (Part B) for transition services in the individualized education programs (IEPs) of students with disabilities.

Specifically, your letter asked "[w]hether the IEP Team must include transition activities for every student with a transition component addressing each of the areas specified under Section 300.18(b) (2) (i)-(iii) or whether the IEP Team may determine with appropriate justification why services in one or more of the areas is not needed for an individual student?"

In the Final regulations with comments invited, published in the *Federal Register* on September 29, 1992, the Secretary amended 34 CFR Part 300 by adding a new definition of "transition services" at §300.18. **See** 57 Fed. Reg. 44794, 44804 (Sept. 29, 1992). That regulation provides:

> §300.18 Transition services
> (a) As used in this part, 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
> (b) The coordinated set of activities described in paragraph (a) of this section must —
> (1) Be based on the individual student's needs, taking into account the student's preferences and interests; and
> (2) Include **needed activities in the areas of** —
> (i) Instruction;

(ii) Community experiences;
(iii) The development of employment and other post-school adult living objectives; and
(iv) If appropriate, acquisition of daily living skills and functional vocational evaluation.

34 CFR §300.18 (Emphasis ours).

This regulatory definition largely reflected the statutory language.[1] However, the regulatory definition departed from the statutory definition by also including the phrase, "needed activities in the areas of —," following the word "Include" and before the reference to paragraph (b) (2) (i).

In a Correction published in the *Federal Register* on October 27, 1992, the Secretary removed the phrase "needed activities in the areas of —" from §300.18(b) (2). 57 Fed. Reg. 48694 (Oct. 27, 1992). This correction was made because the "Secretary had determined that, except for technical adjustments, these final regulations would incorporate the statutory definition of 'transition services.' " **Id.** With this correction, the regulatory definition of transition services at §300.18, with minor technical adjustments, conforms to the statutory definition in section 602(a) (19) of the Individuals with Disabilities Education Act.

---

[1] The statutory definition of "transition services" reads as follows:

The term 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. §1401(a) (19).

This correction has no effect on the requirements on transition components for IEPs set out at §300.346, which provide in relevant part:

> (b) Transition services . . .
> (2) If the IEP team determines that services are not needed in one or more areas specified in §300.18(b) (2) (i) through (b) (2) (iii), the IEP must include a statement to that effect and the basis upon which the determination was made.

34 CFR §300.346(b) (2), published at 57 Fed. Reg. 44794, 44815 (Sept. 29, 1992).

Note 2 following this section explains:

> With respect to the provisions of paragraph (b) of this section, it is generally expected that the statement of needed transition services will include the areas listed in §300.18(b) (2) (i) through (b) (2) (iii). If the IEP team determines that services are not needed in one of those areas, the public agency must implement the requirements in paragraph (b) (2) of this section. Since it is a part of the IEP, the IEP team must reconsider its determination at least annually.

34 CFR §300.346, Note 2.

In the Preamble to the Final Regulations amending 34 CFR Part 300, published in the *Federal Register* on September 29, 1992, the Secretary addressed the requirements of 34 CFR §300.346(b) (2) as follows:

> Section 300.346 . . . has been revised to specify that the statement of needed transition services in a student's IEP must include the three areas listed in the definition of 'transition services' in §300.18(b), unless the IEP team determines that services are not needed in one or more of those areas and includes in the IEP a statement to that effect and the basis for making the determination.

57 Fed Reg. at 44795. Therefore, this statement explains how the requirements of 34 CFR §300.346(b) (2) must be implemented by the IEP team in designing the transition component of a student's IEP.

I hope that the above information is helpful in clarifying applicable requirements for transition services in the IEPs of students with disabilities. If we can be of further assistance, please let me know.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education
Programs

Northeast Regional Resource Center

Providing leadership and support within the Northeast States to promote a quality education for all learners

January 14, 1993

Judy Schrag
Office of the Director
OSEP
400 Maryland Avenue, S.W.
Switzer Building, Room 3086
Washington, D.C. 20202

Dear Judy:

On behalf of the Northeast Regional Resource Center, I am requesting OSEP's assistance in the provision of technical assistance to the states in the Northeast regarding transition issues. I have been requested by SEA staff in our region to provide assistance in the area of policy development and guidance implementing the latest federal transition regulations. Please accept this letter as a request for a formal policy interpretation under the Individuals with Disabilities Education Act, Part B.

As a result of the promulgation of final regulations implementing the amendments to Part B that were made by the Education of the Handicapped Amendments of 1990, SEAs are seeking clearer guidance from OSEP concerning the transition regulations. Specifically, the regulations published in the September 29, 1992 Federal Register (34 C.F.R. Sections 300.18 and 300.346) appear to require that transition services included in IEPs address all of the areas specified in Section 300.18 (b)(2)(i) through (iii) (instruction, community experiences, employment and post-school adult living objectives) unless the IEP team determines with justification that services in one or more of the areas are not needed. See Section 300.346 (b)(2).

Subsequent Regulations published in the Federal Register of October 27, 1992 amended the definition of transition services contained in Section 300.18 (b)(2) by deleting the words "needed activities in the areas of—". As a result of this latest change, SEAs are experiencing confusion being left with potentially conflicting sections of the regulations. Section 300.18 (b)(2) removes the words "needed activities" while Section 300.346 (b)(2) still refers to transition services needed.

The questions which our states seek guidance on is: Whether the IEP Team must include transition acitivities for every student with a transition component addressing each of the areas specified under Section 300.18 (b)(2) (i)-(iii) or whether the IEP Team may determine with appropriate justification why services in one or more of the areas is not needed for an individual student?

This issue is especially important as States are actively involved in promulgating state regulations in this area and providing guidance to local education agencies, other service providers and parents/students. I would be happy to discuss this issue further with you or your staff. Thank you for your assistance.

Sincerely,

Art Cernosia

cc:
Ruth Ryder
Bill Halloren
Kenneth Baker

Federal law prohibits discrimination on the basis of race, color or national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments of 1972 and the Carl D. Perkins Vocational and Applied Technology Education Act of 1990); or disability (Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990) in educational programs or activities receiving federal financial assistance.

Employees, students and the general public are hereby notified that the Georgia Department of Education does not discriminate in any educational programs or activities or in employment policies.

The following individuals have been designated as the employees responsible for coordinating the department's effort to implement this nondiscriminatory policy.

Perkins Act — William H. Tyus, Vocational Equity Coordinator, (404) 657-8325
Title VI — Ishmael Childs, Coordinator, (404) 656-2540
Title IX — Jackie Melendez, Coordinator, (404) 656-2540
Section 504 and ADA — Ishmael Childs, Coordinator, (404) 656-2540

Inquiries concerning the application of the Perkins Act, Title VI, Title IX or Section 504 and ADA to the policies and practices of the department may be addressed to the persons listed above at the Georgia Department of Education, Twin Towers East, Atlanta 30334; to the Regional Office for Civil Rights, Atlanta 30323; or to the Director, Office for Civil Rights, Education Department, Washington, D.C. 20201.

Funding for the development and production of this document was provided through a special project under Part B of the Individuals with Disabilities Education Act. However, the contents do not necessarily represent the policy of the U.S. Department of Education, and the reader should not assume endorsement by the federal government.

Disclaimer:
The contents of this publication were developed under a grant from the Department of Education. However, these contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.